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4-29-1874

**Letter from the Secretary of War, upon the petition of the Legislature of Montana Territory, transmitted to him by order of the Senate, asking protection of citizens of Deer Lodge and Missoula Counties against the depredations of roving bands of Indians.**

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S. Exec. Doc. No. 46, 43rd Cong., 1st Sess. (1874)

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LETTER  
FROM THE  
SECRETARY OF THE INTERIOR,  
TRANSMITTING,

*In obedience to law, a copy of the report of the surveyor-general of New Mexico on the private land-claim No. 85, for the tract known as "The Doña Ana Bend," in New Mexico.*

APRIL 20, 1874.—Referred to the Committee on Private Land-Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., April 20, 1874.

SIR: Pursuant to the eighth section of the act approved July 22, 1854, (10 Stat., 308,) I have the honor to submit for the consideration of Congress the report of the surveyor-general of New Mexico on land-grant to "Doña Ana colony," being private land-claim reported as No. 85, for the tract known as "The Doña Ana Bend," in New Mexico.

Very respectfully, your obedient servant,

C. DELANO,  
Secretary.

Hon. M. H. CARPENTER,  
President of the Senate pro tem.

TRANSCRIPT DOÑA ANA COLONY GRANT, BEING PRIVATE LAND-CLAIM REPORTED AS No. 85, FOR THE TRACT KNOWN AS THE "DOÑA ANA BEND," IN NEW MEXICO. COLONY ESTABLISHED IN 1839. REPORTED BY THE UNITED STATES SURVEYOR-GENERAL, MARCH 31, 1874.

*Present claimants' petition.*

TERRITORY OF NEW MEXICO,  
County of Doña Ana:

*To the surveyor-general of the Territory of New Mexico:*

Your petitioners, the inhabitants of "Doña Ana Bend," (El Ancon de Doña Ana,) in the county of Doña Ana and Territory aforesaid, would respectfully represent that, in the year 1839, José Ma. Costales, for himself and others, (more than one hundred in number,) in conformity to the laws and regulations of the government of Mexico, petitioned the prefect of El Paso, and through him to the governor of the State of Chihuahua, for a grant of lands on the east bank of the Rio Grande del

Norte, forty or fifty miles above the town of El Paso, at a place known as the "Doña Ana Bend."

And your petitioners further state that said grant of land was made to said petitioners and others, and that the same was immediately settled and occupied by them, and that they and their grantees have, ever since the year 1840, been in the quiet and peaceable possession of the same.

And your petitioners further state that there are now more than three thousand persons residing upon and occupying said lands embraced within the limits of said grant, but your petitioners are unable to state the number of acres contained within said boundaries, as no survey has been made; but the place known as the "Bend of Doña Ana" is well known, and the limits and boundaries, as stated in the testimony of Guadalupe Miranda, (herewith filed,) are believed to be correct.

Wherefore your petitioners, with a view that said grant may be confirmed, present for your consideration "A transcript of the expediente formed concerning the adjudication made of the lands of the place called Doña Ana," in the Spanish language, with a correct translation of the same; also the testimony of Yrineo Costales, Francisco Rodrigues, and Guadalupe Miranda; also a rough diagram of the land granted, showing its approximate locality to the government surveys.

All of which is respectfully submitted.

JNO. D. BAIL,

*Attorney for the inhabitants of "Doña Ana Bend."*

#### REFERENCES TO SKETCH.

A, B, C, D.—Commons or pasture-lands belonging to "Doña Ana Bend grant." The lands between the Rio Grande and the line A, D, are agricultural.

A.—Head of Doña Ana Acequia.

D.—Head of Brazito Acequia.

H, S, N, M.—Pasture-lands belonging to civil colony of Mesilla.

The lands lying between the Rio Grande and the lines Y, X, H, are farming lands belonging to Mesilla grant or civil colony.

The point Y is the initial point named in the Mesilla grant.

The Rio Grande made a change in 1865, and the dotted line on the sketch would mark probably the course now.

The diagram is made on a scale of two miles to the inch.

*Muniments of title.*

[Sello del estado de Chihuahua.]

#### SECRETARIA.

*Copia del expediente formado con motivo de la adjudicacion hecha de los terrenos del punto denominado Doña Anna.*

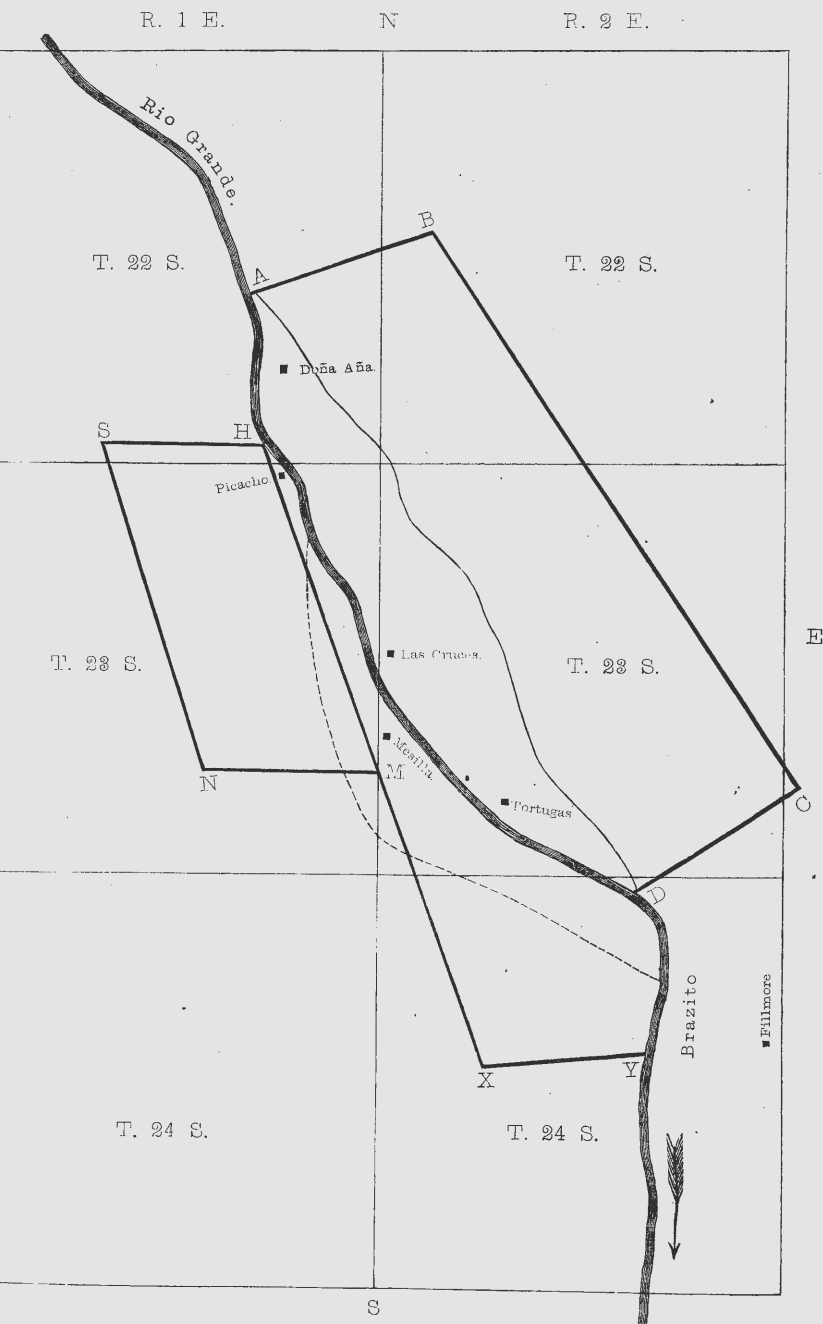
CHIHUAHUA, Marzo 28 de 1871.

Este traslado de expediente recibido (por via del expreso-correo) de John D. Bail de la Mesilla, agente de los interesados reclamantes y protocolado en este despacho de agrimensor general de los Estados Unidos para Nuevo Mexico, hoy 23 de Enero de 1874.

MILLER, *Secretario.*

# [SKETCH MAP.]

Sketch South of Base-line, and East of Meridian of New Mexico.



The Sketch Shows the River as it ran up to 1850. Since then it has changed

Numero 60, año de 1840-'42-'43-'44.

*Espediente instruido sobre mercenacion de terrenos que solicitan varios vecinos de la villa del Paso, para poblar en el punto llamado Da. Ana en el distrito del Paso á diez leguas de dicha villa.*

Un sello—Secretaria—Numero 2.

Lista de los individuos que voluntariamente se presentan para colonizar el punto de Doña Ana, y son los siguientes :

C. C. José Ma. Costales.	Victor Avalos.
C. José Bernal.	Francisco Tellez.
Lorenzo Provencio.	Bernabe Blanco.
Francisco Varela.	Apolinario Perea.
José Ma. Sierra.	José Tomas Sanches.
Francisco Lucero.	Jesus Cobos.
José Garcia.	Gregorio Martinez.
José Blanco.	Eligio Tellez.
José Antonio Ortega.	Ramon Martinez.
Mariano Trujillo.	Martin Martinez.
José Ynes Corona.	Juan José Bernavidez.
José Montoya.	Ricardo Benavidez.
Cristobal Provencio.	Wenseslao de la O.
Cesareo Acuña.	Santos Trujillo.
Cano Lucero.	Bernavé Montoya.
Manuel Martinez.	Timoteo Montoya.
Rafael Rael.	José Ma. Provencio.
Rafael Lucero.	José Ma. Lucero.
Miguel Garcia.	José Ma. Velarde.
Enriques Lino.	José Lucero.
Gregorio Dávalos.	José Diego Cadena.
Tomas Carrillo.	Reyes Velarde.
José Ma. Rodriguez.	Norberto Zamora.
Eleuterio Perea.	José Antonio Cedillos.
Julio Arbayo.	Benito Rodela.
Marcelino Serna.	Antonio Salazar.
Jesus Varela.	Teodocio Zamora.
Florencio Costales.	Mariano Alderete.
Felix Miranda.	Francisco Velarde.
Luciano Melenudo.	Juan Miguel Archuleta.
Santos Abalos.	Francisco Lucero.
Francisco Garcia, el herrero.	Guillermo Varela.
Brigido Provencio.	Cosme Lucero.
Eustaquio Herrera.	Felipe Gonzalez.
Gregorio Herrera.	Juan Agaton Herrera.
Tomas Yrigoyen.	Timoteo Apodaca.
José Ma. Garcia.	Francisco Sambrano.
Pedro Garcia.	Francisco Ortega.
Narciso Varela.	Andres Maese.
José Rivera.	Ramon Alvarar.
Nazario Herrera.	Estevan Gonzalez.
José Abalos.	Saturmino Campos.
Manuel Padilla.	Ynocente Rivera.
Juan Velarde.	Eusebio Cadena.
José Delfin.	Esmerejildo Cano.

Guereña el Suma.  
 Mariano Tellez.  
 Guadalupe Valencia.  
 Bautista Moya.  
 Remigio Saenz.  
 Francisco Lino.  
 José Antonio Provencio.  
 Felipe Herrera.  
 Evaristo Dias.  
 Rafael Herrera.  
 Jesus Guilez.  
 Francisco Rojas.  
 Julian Tellez.

Ynocente Herrera.  
 Jesus Muños.  
 Jesus Cordoba.  
 José Lucero.  
 Rafael Herrera.  
 Victoriano Sanchez.  
 Martin Lira.  
 Santos Jurado.  
 Cesareo Duran.  
 Francisco Valverde.  
 José Morales.  
 José Velarde.  
 Felipe Martinez.

Total, 116.

VILLA DEL PASO, 18 de Setiembre de 1839.

JOSÉ MA. COSTALES, [una rubrica.]

[Sello 3º, dos reales.]

#### ADMON. DE RENTAS DEL PASO.

Habilitado para el bienio de mil ochocientos treinta y ocho y ochocientos treinta y nueve.

Paso, Agosto 21 de 1839.

RONQUILLO, [una rubrica.]

PADILLA, [una rubrica.]

*Señor prefecto de este distrito :*

El que suscribe, ante V. S., en legal forma, se presenta y dice: Que desde que mando este suelo el antecesor de V. S., D. Cayetano Justini-  
 niani, me le presente invose manifestandole que en compañía de considerable numero de vecinos de esta villa, pretendianos se nos merec-  
 nase para poblar el punto de Doña Ana, situado rio arriba de esta vecin-  
 dad, y al efecto recurriamos al mencionado señor con el fin de que nos  
 esclareciera que numero de vecinos era necessario para alcanzar el  
 logro de tal pretencion, me contesto que con cien hombres era sufici-  
 ente para alcanzar la gracia que impetrabamos, asegurandome que tan  
 luego como los completase formara de ellos una lista nominal, acom-  
 pañando esta por medio de presentacion en forma para que puesta, en  
 sus manos se le diera el curso correspondiente con el informe necesario  
 para la ulterior resolucion del gobierno. Descansando en tan generosa  
 oferta he diligenciado el completo de numero de hombres que se me  
 indico con algun aumento como se advierte por la lista que debida-  
 mente acompaño pediendole con encarecimiento darle el curso correspon-  
 diente á efecto de conseguir el logro de lo que tanto deseamos sin que  
 pueda ocultarse á la penetracion de V. S. los bienes que de ello son re-  
 sultivos no solo á los que lo pretenden sino en general á toda esta ve-  
 cindad. Omito por ahora referir las excepciones con que se deba ga-  
 rantizar tal empresa por que entiendo como debo hallarse vigentes los  
 privilegios de nuevos pobladores, siñendome unicamente á suplicar á  
 V. S. que cuando tenga la bondad de esponer su informe se pida el es-  
 clarecimiento del aumento, por tanto. Á V. S. sumisamente pido que  
 teniendo en consideracion los bienes que deban prodigarse de la comision  
 predicha lo medite cual corresponde á los altos deberes de la que le esta  
 en comendada, juro la no malicia y lo necesario, &c.

Villa del Paso. 18 de S'bre de 1839.

JOSÉ MA. COSTALES, [una rubrica.]

EXCELENTICIMO SR.: El punto de Da. Ana, dista de esta villa diez leguas, poco mas ó menos, posee abundantes y feraces terrenos para laboriar y demas usos, facilita con poco trabajo, toma de agua para cultivarlos de regadillo, y en suma tiene todas las ventajas, que necesita un nuevo poblador para conseguir el fin que se propone, por estas razones y las muchas de mas peso que se hallan al alcance de V. E. no me detendré en manifestarle que no encuentro un obstaculo que obste para que se les pueda negar á los solicitantes su pretencion que tiene por objeto el aumento de la poblacion tan necesaria para la felicidad de un pais en todas épocas y circunstancias, es lo que puedo decir Á V. E. sobre el particular, para que en su vista resuelva, lo que fuere de su superior agrado.

Paso, Octubre 18 de 1839.

JOSÉ YGO. RONQUILLO, [una rubrica.]

PEDRO TRUJILLO, [una rubrica,] *So. Into.*

*Prefra del distrito del Paso, Numo. 177 :*

Tengo el honor de dirigir á V. S. con el informe que he creido justo, la adjunta instancia del becino de este puesto José Ma. Costales para que se sirva dar cuenta con ella al E. Sor. Gobor. para lo que á bien tenga resolver.

Dios y libertad, Paso, O'bre 18 de 1839.

JOSÉ YGO. RONQUILLO, [una rubrica.]

PEDRO TRUJILLO, [una rubrica,]  
*So. Into.*

CHIHUA., Nove. de 1839.

Á la exma. junta departamental.

J. MARIA YRIGOYEN, [una rubrica.]

EXMO. SR.: La solicitud de algunos vecinos de la villa del Paso contraida á pedir se les adjudiquen los terrenos del punto llamado Da. Ana, distante diez leguas de la mencionada villa, es sin duda atendible pues mira nada menos que al formento de la industria, puesto que como afirma el señor prefecto del Paso en su informe poblado aquel punto por los solicitantes se cultivaran los feraces terrenos de laborio que aquel contiene, este efecto así como el de aumentar la poblacion que tanto intereza á toda sociedad, y por otra parte el evitar la osiociudad á que puedan entregarse muchos de los interezados en virtud de no tener un solo palmo de tierra para adquirir su subsistencia hace, á la junta opinar por que con arreglo á las leyes de colonizacion se agracie á los interesados con la adjudicacion de la parte de terreno que por aquellas le corresponda revistiendolos, igualmente de todas las mercedes y privilegios que las leyes conceden á los nuevos pobladores. Este es su sentir, no obstante V. E. en el particular resolvera lo que estimare conveniente y justo.

Chihuahua, Dbre. 5 de 1839.

PEDRO OLIVARES, [una rubrica.]

JUAN NEGRETE, [una rubrica.]

JULIO 8 DE 1840.

De conformidad con lo consultado por la E. J. pasese este expediente al director del cuerpo geografico, para que de preferencia y con presencia de las leyes de la materia, consulte los terminos en que debe hacerse la adjudicacion de los terrenos que se solicitan.

[Una rubrica.]

## DIRECCION DEL CUERPO GEOGRAFICO DE CHIHUAHUA.

EXMO. SR.: Cumpló hoy con el acuerdo de V. E. fha. 8 del presente Julio, relativo á que informe los terminos en que debe hacerse la mercenacion de terrenos á los ciento diez y seis vecinos que la solicitan en el punto de Da. Ana, y al verificarlo, solo no es completa mi satisfaccion, por el justo temor que me acompaña de que mistrabajos no surtan el efecto que V. E. pudiera prometerse.

La circunstancia de no ser, á mi entender, una verdadera colonizacion la de que se trata, por pedirse en ella mercenacion de tierras por habitantes todos del departamento y aun del mismo distrito del Paso, el temor de que mi creencia fuera errónea en la materia, la dificultad que se me encontraba entre si debía ó no sugetarse este reglamento á las leyes de colonizacion generales de la república y particulares del estado, la duda de si estarian vigentes algunas de estas para no tener una pugna manifiesta con el actual sistema de gobno. la circunstancia de que no fuese autoridad legislativa, quien lo dictaba, y el tener que dar en el, sin pasar las facultades del gobno. disposiciones que ordenasen bien el establecimiento de la poblacion, evitando al mismo tiempo algunos males que pudieran temerse fueron motivos que detuvieron mi consideracion, y me privaron del gusto de haber remitido á V. E. este informe con la brevedad que tal vez lo apetecia.

Me sera de suma complacencia salga conforme á los deseos de V. E. en caso contrario V. E. podra reformarlo tanto en lo material como en lo formal de la manera que fuere de su superior agrado.

Chihuahua, Julio 30 de 1840.

JOSÉ RODRIGO GARCIA, [una rubrica.]

## DIRECCION DEL CUERPO GEOGRAFICO DE CHIHUAHUA.

*Reglamento para proceder á la mercenacion de los terrenos de Da. Ana entre varios individuos del distrito del Paso que la han solicitado.*

ARTº 1º. Se concede á los ciento diez y seis vecinos que pr. conducto del Sr. Prefecto del Paso solicitaron la mercenacion de terrenos en el punto de Da. Ana la licencia necesaria para que pasen á poblar el referido punto.

ART. 2º. Á cada persona de las solicitantes que pase á establecerse en el se concedera, si fuese cabeza de familia el espacio de tierra comprendido en un cuadrado, cuyo lado tenga setecientas ochenta varas y media de longitud, y si no lo fuese el que se comprenda en un paralelogramo de igual longitud y la mitad de la latitud anterior. Este terreno debera entenderse concedido para que situen en el su labor de riego.

ART. 3º. En lugar que fuere mas á proposito á juicio del S. Prefecto del distrito para levantar la poblacion, se medira una area igual á la octava parte de un sitio de ganado mayor ó 2,500 varas de longitud y 1,250 de latitud la que se destinara para egidos de la poblacion. Al elejir el prefecto el lugar de que se habla, debera sugetarse en cuanto sea posible á lo dispuesto en el capitulo 5º de la ley reglamentaria, no. 32, fha. 18 de Nove. de 33, espedida por el congreso del estado.

ART. 4º. Para el mejor orden de la poblacion, el S. Prefecto cuidara de distribuirla en cuadras de cien varas de largo y cincuenta de ancho, con calles de por medio de doce y media varas de latitud.

ART. 5º. Cada uno de los actuales solicitantes sera agraciado con la mitad de una cuadra ó una superficie de cincuenta varas por lado para que



en ella sitúe su habitación, debiéndose cuidar de que estas posesiones estén inmediatas las una de las otras para la mayor seguridad del lugar. En la parte mas central de este se tomaran cuatro cuadras, dos que unidas por su longitud formaran la plaza, y las otras dos que quedaran destinadas para las casas consistoriales, yglesia y casa cural cuando llegue á haberlas.

ARTº. 6º. Los solicitantes deberán transportarse á aquel punto á la mayor brevedad posible bajo la direccion del S. Prefecto del distrito, quien deberá hacerles la distribucion de las tierras segun lo dispuesto en este reglamento y las leyes vigentes.

ARTº. 7º. Ninguno de estos podra separarse del lugar antes de dos años sin previa licencia del gobierno, y los que lo hacer en perderan las tierras que se les hubieren donado.

ARTº. 8º. La poblacion que dara sometida por ahora al Sor. Prefecto del distrito del Paso debiéndose considerar como perteneciente al partido del mismo nombre.

ARTº. 9º. Repartidos que sean los solares y establecidas en ellas las familias, se tratara de arreglar el gobierno municipal de la poblacion, de conformidad con lo dispuesto en la ley reglamentaria de 20 de Marzo de 1837, y consultando tambien la determinacion espedita por la E. Junta Departamental mandada observar por este superior gobno. en 2 de Nove. de 1839.

ARTº. 10º. El término maximo de tiempo que se concede á los pobladores para trasladarse al punto que solicitan, sera el de tres meses contados desde el dia en que se reciba este reglamento por la prefectura respectiva. El individuo que no ocurriere en el á recibir las tierras que le correspondan, debiera hacer constar ante aquella el impedimento legal que lo hubiera detenido, ó de lo contrario perdera el derecho que por los artículos anteriores se le concedia.

ARTº 11º. Ynmediatamente, despues de haberse reunido en el punto de Da. Ana la mitad y uno mas de los colonizadores el S. Prefecto procedera á establecerles su gobierno municipal conforme á lo dispuesto en el artº 9º de este reglamento, debiendo nombrar un juez propietario y un suplente, para lo cual lo autoriza este gobierno en virtud de la facultad que se le concede en el artº 7º de la disposicion de 2 de Noviembre ya citada.

ARTº 12º. Todos los nacionales que en el termino de un año contado desde el dia de que habla el artº 10º se presente solicitando terrenos en el referido punto, seran agraciados con el mismo que se concede á los nuevos pobladores, ecepto el que se señalo á estos para casa morada en el centro de la poblacion. Á ningun extranjero se permitira entrada á esta sin que haya manifestado á la autoridad política el pasaporte respectivo.

ARTº 13º. Los solicitantes de que habla el artículo anterior deberán dirigirse á este gobierno por conducto del Prefecto respectivo, quien al estender el informe correspondiente lo hara en vista que tenga de la industria y honradez del solicitante.

ARTº 14º. Como las personas de que se habla en los dos artículos que preceden, al establecerse en la nueva colonia entren en el goce de comodidades proporcionadas por el trabajo de sus antecesores, para que con estos contribuyan á la prosperidad de la poblacion, deberán satisfacer un cinco por ciento calculado sobre el justo valor de la tierra que se les mercene. Esta pencion, se exijira por sola una vez y debiera destinarse para fondo de propios y arbitrios.

ARTº 15º. Ygualmente se destinara para formar el fondo de propios y

arbitrios, el importe de los solares, que situados en los egidos de la poblacion, se vendan por el precio que se les asigne.

ARTº 16º. Las mercenaciones que se hagan á los nuevos solicitantes, se cuidara se situen en los lugares inmediatamente siguientes á los ya mercenados.

ARTº 17º. Tanto estos como los primitivos pobladores podran adquirir por título de compra hasta tres suertes iguales á las mercenadas para labor, y una cuadra entera de las constituidas para habitacion.

ARTº 18º. El precio de las suertes y solares mencionados sera, por ahora la mitad del que tendrian en la actualidad en la villa del Paso.

ARTº 19º. Son obligaciones particulares de los nuevos pobladores :

1º. Comensar á disponer su labor en el termino de seis meses á lo mas.

2º. Contribuir con las penciones establecidas por las leyes para el fondo de propios y demas que designen aquellas.

3º. Presentarse armados al llamamiento de la autoridad política ó militar, alternando por mitades todas las personas capaces de llevar las armas en los casos ordinarios que se ofrescan. Cuando el peligro eminente pidiese mayor numero de hombres, deberan presentarse todos los que fueren llamados por la autoridad.

4º. Contribuir con su trabajo personal á la construccion de una presa ó toma de agua, y á su reparacion ó recomposicion siempre que la autoridad política lo jusque necesario. Los sucesores tendran respectivamente las mismas obligaciones.

ARTº 20º. El S. Prefecto del distrito concedera á los nuevos pobladores el agua necesaria para sus labores, informando á este gobierno sobre la manera en que crea deba verificarse el reparto y la forma en que deba establecerse el riego.

ARTº 21º. El individuo que por dos años consecutivos acreditar ante el prefecto del distrito ser el mas laborioso ó industrioso del lugar, sera premiado con media suerte de tierra de las asignadas á las cabezas de familia. Este premio queda establecido para solo los dos primeros bienios.

ARTº 22º. Los derechos comunes municipales que deberan pagar los nuevos pobladores, seran los mismos que se acostumbran actualmente en la cabecera del distrito, á donde queda sujeta la poblacion.

ARTº 23º. El gobierno procurara de acuerdo con el Y. diocesano, el que á estos se les provea de parroco que les ministre los auxilios necesarios.

ARTº 24º. No pagaran diesmos por los frutos que levanten de las nuevas labores, segun lo establecido en esta parte por el derecho, y lo que se pueda establecer de anuencia con el mismo diocesano.

ARTº 25º. Las obligaciones derechos, y concepciones de que habla el presente reglamento deberan entenderse establecidas, sin perjuicio de lo que se haya determinado sobre la materia, por el reglamento para colonizar expedido en 24 de Sbre. de 1827, por el congreso del estado y las demas disposiciones vigentes.

Chihuahua, Julio 30 de 1840.

JOSÉ RODRIGO GARCIA, [una rubrica.]

DIRECCION DEL CUERPO GEOGRAFICO DEL DEPARTAMENTO.

Por virtud de la comunicacion oficial de V. S., fha. 8. del presente, y á consecuencia del acuerdo del E. S. Gobor., puesto al calse del expediente que V. S. de orden de S. E. se sirve acompañar á aquella; me he impuesto de la solicitud que elevaron á ese superior gobierno ciento diez y seis vecinos del distrito del Paso sobre mercenacion de terrenos en el punto

llamado Da. Ana. Hoy cumplo con aquel superior decreto, y tengo la satisfaccion de remitir á V. S. el informe que he estimado conveniente para que se sirva elevarlo á manos del E. S. Gobernador, protestandole mis respetos, y recibiendo V. S. mi consideracion y aprecio.

Dios y L., Chihuahua, Julio 30 de 1840.

JOSE RODRIGO GARCIA, [una rubrica.]

SOR. SRIO. DEL DESPACHO DE GOBNO. DEL DEPARTAMENTO.

JULIO 31.

Se aprueba provisionalmente el reglamento que presento el director del cpo. geografico, y en su vista librense las ordenes necesarias al prefecto del Paso para que con presencia de lo que el previene y las baces que consulta la E. Junta en su dictamen de 5 de Dbre. proceda á la adjudicacion de los terrenos en la forma que se previene y á establecer la poblacion sugetandose á las reglas que se señalan con prevencion de que tan luego como este, practicado lo prevenido de cuenta al gobierno. Al efecto remitasele en copia lo conducente del expediente. Ponganse avisos en el interior convocando pobladores y digase al supmo. gobierno lo resuelto.

[Una rubrica.]

E. S.: En consecuencia de solicitud de mas de cien vecinos de la villa del Paso del Norte, he dispuesto de acuerdo con la E. S. D. y con presencia de las leyes de la materia, se les adjudiquen á estos los terrenos que comprende el punto llamado Da. Ana situado á 10 ó 12 leguas de la referida villa, camino para el N. Mexico, en un ancon que forma el Rio del Norte con un plano hermosisimo y que con muy poco trabajo se puede hechar el riego del mismo rio á cuyas margenes se halla formando un valle circundado de las sierras del Sacramento, Soledad, y San Andres por la otra banda del rio, y por esta, con las de Gila, Mimbres, y Magollon, cuyos terrenos segun los inteligentes son muy á proposito para cultivar. Á ello me ha estimulado el merito que tiene el vecindario del Paso por las continuas correrias que hacen sobre los Indios; el formar una nueva poblacion que aleje mas á estos y sobre todo que los pobladores son todos Mejicanos. Sirvase U. E. dar cuenta de esta providencia al E. Sr. Presidente para su conocimiento y demas fines que correspondan, rindiendo á la vez las seguridades de mi mayor consideracion.

Dios y Lib., Julio 3 de 1840. [Una rubrica.]

E. Sr. Srio. de lo interior.

La E. Junta Departamental á cuyo juicio se paso por este gobno. en consulta el expediente instruido á virtud de la solicitud de varios vecinos de esa villa contraida á que se les mercene el punto de Da. Ana, ha espuesto el siguiente dictamen:

“EXMO. SOR.: La solicitud de algunos vecinos de la villa del Paso contraida á pedir se les adjudiquen los terrenos del punto llamado Da. Ana, distante diez leguas de la mencionada villa, es sin duda atendible, pues mira nada menos que al fomento de la industria, puesto que como afirma el Sr. Prefecto del Paso en su informe, poblado aquel punto por los solicitantes se cultivaran los feraces terrenos de laborio que aquel contiene. Este efecto así como el de aumentar la poblacion que tanto intereza á toda sociedad y por otra parte evitar la osioidad á que puedan entregarse muchos de los interezados en virtud de no tener un solo palmo de tierra para adquirir su subsistencia, hace á la junta opinar por que con arreglo á las leyes de colonizacion se agracie á los interesados con la

adjudicacion de la parte de terreno que por aquellas les corresponda revistiendolos igualmente de todas las mercedes y privilegios, que las leyes conceden á los nuevos pobladores. Este es su sentir no obstante V. E. en el particular resolvera lo que estimare conveniente y justo.”

En vista del anterior dictamen puso el E. Sr. Gobor, el acuerdo siguiente:

“JULIO 8 DE 1840.

“De conformidad con lo consultado por la E. Junta, pasese este expediente al director del cuerpo geografico, para que de preferencia y con presencia de las leyes de la materia consulte los terminos en que debe hacerse la adjudicacion de los terrenos que se solicitan.”

En consecuencia, el director referido expuso lo que sigue :

“Cumpló hoy con el acuerdo de V. E., fha. 8 del presente Julio, relativo á que informe los terminos en que deba hacerse la mercenacion de terrenos á los ciento diez y seis vecinos que la solicitan en el punto de Doña Ana y al verificarlo solo no es completa mi satisfaccion, por el justo temor que me acompaña de que mis trabajos no surtan el efecto que V. E. pudiera prometerse. La circunstancia de no ser á mi entender una verdadera colonizacion la de que se trata por pedirse en ellas mercenacion de tierras por habitantes todos del departamento y aun del mismo distrito del Paso; el temor de que mi creencia fuera errónea en la materia; la dificultad que se me presentaba en si debía ó no sugetarse este reglamento á las leyes de colonizacion generales de la república, y particulares del estado; la duda de si estarian vigentes algunas de estas por no tener una pugna manifiesta con el actual sistema de gobno.; la circunstancia de que no fuese autoridad legislativa quien lo dictaba, y el tener que dar en el, sin pasar las facultades del gobno., disposiciones que ordenasen bien el establecimiento, de la poblacion, evitando al mismo tiempo algunos males que, pudieran temerse; fueron motivos que, detubieron mi consideracion, y me privaron del gusto de haber remitido á V. E. este informe con la brevedad que tal vez lo apetecia. Me sera de suma complacencia salga conforme á los deseos de V. E. en caso contrario V. E. podra reformarlo tanto en lo material como en lo formal de la manera que fuere de su superior agrado.” (Aqui el reglamento escrito á la foja 2 vta.)

Y habiendo sido de la aprobacion del E. Sor. Gobor. el anterior reglamento ha tenido á bien aprobarlo provisionalmente, y en cuya virtud me manda diga á V. S., como lo verifico, que con presencia de lo que el previene y de las baces que consulta la E. Junta en sus dictamen inserto, proceda V. S. á la adjudicacion de los terrenos que se pretenden ya establecer la poblacion con sujecion á las reglas que se señalan dando cuenta á este Gobno. con lo que en consecuencia de esta resolucion se practique.

Dios, &c., Chihuahua, Julio 31 de 1840.

[Una rubrica.]

Sr. Prefecto del Paso.

*Sor. Prefecto de este distrito :*

Los que suscribimos todos vecinos de esta villa, ante V. S., con el debido respeto comparecimos diciendo: Que con fha. 18 del pmo. pdo. Sbre., dirijimos á esa prefectura una instancia solicitando se nos permitiese y graciase el terreno conocido con el nombre del Ancon de Da. Ana, sito al margen de este rio arriba á la parte del norte, distante de esta villa cosa de diez leguas poco mas ó menos, con el objeto de labrar sus tierras para el destino de agricultura y pastos inmediatos para la cria y manutencion de animales domesticos, precisos é indispensables á la industria de esta clase,

dejando los bosques de arboleda util para fabricar y demas consumos en dis-  
pute comunal con los de esta villa, y siendo el que hasta esta fha. no sabe-  
mos el resultado que ha tenido no obstante ser savedores fué remitida al  
gobno. de este departamento, previo informe que esa prefectura tuvo á  
bien poner á su calse, impulsados de la carencia de terrenos en que nos ha  
puesto desde el año de 28, la creses de dicho rio llevandonos é enutilizan-  
donos mas de una mitad de las pocas que antes cultivamos, nos vemos  
precisados para poder subsistir nosotros y nuestras familias, ocurrir de  
nuevo á V. S. manifestandole con todo encarecimiento se sirva dar á esta  
el uso que-jusque oportuno con el fin de que á la posible brevedad se nos  
resuelva lo que se estime conveniente al remedio de nuestra calamitosa  
necesidad, y en el caso que para la concecion se obste la imposibilidad que  
por ahora pueda tener el gobierno para la francatura de aucilios que á  
los nuevos pobladores la ley les franquea, hostigados de la necesidad  
que nos aflige los damos por recibidos siendo contentos con solo la mer-  
cenacion que pedimos y por resultar de esta nueva poblacion, un bien  
general á la nacion ocupando de este modo los brazos de sus ciudada-  
nos y poniendo en parte un dique á las tribus barbaras que nos circun-  
dan en esta frontera, espeditando al mismo tiempo la mas facil comuni-  
cacion con el departamento del Nuevo Mexico y un aucilio seguro á los  
transeuntes en el trafico de nosotros con aquel pues por el centro de la  
poblacion que se forme ha de pasar el camino que á el se dirige.

Creemos que estas verdades estan al alcance del conocimiento de V. S.  
hasta el grado de no dudarse, por tanto á V. S. rendidamente suplicamos  
se digne informar este como á bien tenga, con el laudable objeto de su-  
pronto despacho, en el que recibiremos gracia y merced. Juramos la no  
malicia y lo necesario, &c.

Villa del Paso, July 3 de 1848.

Lorenzo Provencio.  
Bernabe Montoya.  
José Bernal.  
José Ma. Costales.  
Ramon Dias de la Serna.  
José Ma. Cordoba.  
José Balverde.  
Tomas Yrigoyen.  
Yrinco Lujan.  
Romualdo Rojas.  
José Ma. Velarde.  
Pablo Melendres.  
Miguel Nevares.  
Casildo del Prado.  
Juan Musques.  
José Carbajal.  
Eligio Tellez.  
Eleuterio Perea.  
Severiano Varela.  
Manuel Martinez.  
Ramon Cruz.  
Cruz Martinez.  
Francisco Rojas.  
Francisco Horcasitas.  
Mariano Trujillo.  
Vicente Manriques.

Antonio Padilla.  
Cristobal Provencio.  
Santos Trujillo.  
Julian Tellez.  
Jesus Cobos.  
Felipe Gonzales.  
Pablo Madrid.  
José Rivera.  
Bonifacio Armijo.  
Apolonio Rivera.  
Felipe Herrera.  
Nazario Herrera.  
José Avalos.  
Francisco Telles.  
Pedro Garcia.  
Dionicio Hidalgo.  
José Ma. Garcia.  
Narciso Varela.  
José Montoya.  
Victor Gomez.  
Florentino Tellez.  
Francisco Provencio.  
Francisco Lucero.  
Jesus Quiles.  
Nepomuceno Hidalgo.  
Juan Agaton Herrera.

Cesareo Acuña.  
 José Ma. Sierra.  
 Franco. Lucero.  
 Miguel Garcia.  
 Gregorio Davalos.  
 José Garcia.  
 José Ynes Corona.  
 Enriques Lino.  
 José Lucero.  
 Jesus Muños.  
 Evaristo Dias,  
 Miguel Padilla.  
 Florencio Benavides.  
 José Ma. Provencio.  
 José Biances.  
 José Antonio Provencio.  
 Manuel Lucero.  
 Brigido Provencio.  
 Reyes Velarde.  
 Bautista Moya.  
 Luciano Melenudo.  
 Manuel Padilla.  
 Rafael Herrera.  
 Balentin Gomez.  
 José Anto. Gallegos.  
 Timotes Montoya.  
 Felipe Martinez,  
 Timoteo Barrio.  
 Antonio Apodaca.  
 Pedro Aredo.  
 Cesareo Tellez.  
 Guadalupe Maeze.  
 Carmen Lucero.

Guillermo Varela.  
 Juan Bautista.  
 Esmerejildo Cano.  
 Norberto Zamora.  
 Francisco Sambrano.  
 Julio Arbayo.  
 José Ma. Rodriguez.  
 Monico Benavidez.  
 Eusebio Cadena.  
 Rafael Lucero.  
 José Ma. Morga,  
 Gregorio Herrera.  
 Timoteo Apodaca.  
 Jesus Varela.  
 Cano Lucero.  
 Ponciano Valarde.  
 Jesus Duran.  
 Pedro Gonsalez.  
 Ramon Padilla.  
 Panfilo Tellez.  
 Feliciano Ramirez.  
 José Antonio Madrid.  
 José Remigio Saens.  
 Santos Avalos.  
 Juan Lucero.  
 Andres Maese.  
 José Diego Cadena.  
 José Lucero y Gabriel Gutierrez.  
 Geronimo Lujan.  
 Mauricio Acosta.  
 Vicente Provencio.  
 Francisco Mondragon.

*Exmo. Sor. Gobernador :*

En informe de 18 de Sete. po. po., de esta prefectura, se ha dicho á V. E. lo conveniente sobre el terreno que tratan laborear los solicitantes. Estos en fuerza de las circunstancias en que á la vez se hallan por no tener terrenos que cultivar con otras razones de no menos consideracion y que se hallan al alcance de V. E. me hacen abstenerme de por menor muy por menor las miserias que padece esta poblacion por la falta de granos para su subsistencia, y de que de no dedicarse á la labranza parte de los sirvientes de esta villa, es claro que siempre se mantendran en la más lastimosa suerte, á causa de la falta de terrenos de que carese, pudiendo asegurarse de que si la creciente del rio en el año entrante es al igual de la que acaba de desaparecer indudablemente debe perderse media jurisdiccion juntamente con el pueblo del Real y parte de los demas, pueblos que tiene, yuslados el mismo rio, causal que obliga á los mismos licitantes, buscar en tiempo en donde morar. No obstante lo espuesto, V. E., en su vista, resolvera lo que sea de su superior agrado.

Villa del Paso, Julio 7 de 1840.

JOSE MORALES,  
 RAMON DIAS DE LA SERNA, [una rubrica.]  
 So.

## PREFECTURA DEL PASO, NUMO. 100.

Tengo el honor de dirigir á V. S., con el informe que he creído justo, la adjunta representacion de varios vecinos de esta villa, para que se sirva dar cuenta con ella al E. S. Gobor., para lo que á bien tenga resolver reencargando á V. S. muy particular de mi parte el pronto despacho del asunto mediante la necesidad que tienen estos habitantes de llevar adelante su empresa, si el supr. gobno. accede á su solicitud.

Dios y libertad, Villa del Paso, Julio 8 de 1840.

JOSÉ MORALES,

RAMON DIAS DE LA SERNA,

[una rubrica.]

[una rubrica.]

So.

SOR. SRIO. *del Supra. Gobno. del Departamento de Chihuahua.*

AGOSTO 4.

Que el actual gobor. conocio desde que ingreso al gobno. lo conveniente que seria á las fortunas de los paseños, el establecer y poblar el ponto de Da. Ana, y que tuvo el gusto de librar en 31 del popo. las ordenes necesarias para que así se verificara con todos los requisitos que marcan las leyes.

[Una rubrica.]

El actual E. Sno. Gobor., D. Francisco Garcia Conde, conocio desde su ingreso al gobno. lo conveniente y util que seria á las fortunas de los paseños, el establecer y poblar el punto de Da. Ana, que tenian solicitado algunos en representacion de 18 de Sbre. del año pmo. pdo., que se hallaba pendiente en esta sria., y por lo mismo tuyo el gusto S. E. de librar en 31 del mes pmo. pdo., las ordenes necesarias á esa prefectura para que proceda á la mercenacion de dichos terrenos y establecimiento de la poblacion con todos los requisitos que exigen las leyes. Todo lo que digo á V. S. de su orden y en contestacion á su oficio relativo de 8 del citado mes con que acompaña nueva solicitud sobre el particular de los vecinos interesados de esa villa.

Dios y libertad, Chihuahua, Agosto 5 de 1840.

*Señor Prefecto del Paso :*

Con tñ. 18 de Sbre. de 1839, 116 vecinos de la villa del Paso se presentaron á este supr. gobno. por el conducto respectivo solicitando se les adjudicasen los terrenos cultivables que existen en las margenes del Rio Bravo, (distaute diez ó doce leguas al norte del Paso,) en el punto vulgarmente conocido con el nombre de Ancon de Da. Ana. Este gobno., en consideracion de el laudable fin que estos individuos se proponen, atendiendo á las disposiciones vigentes, tanto generales como particulares, que autoriza este genero de mercenaciones, conociendo que con este hecho se protege é impulsa el interesante ramo de la agricultura, una de las fuentes mas caudalosas de riqueza y publica prosperidad y persuadido en fin de que por este medio muchos brazos que á consecuencia de nuestras desgraciadas circunstancias de pobreza de inutiles que son, se tornaran en utiles y productivas, vino en concederles de acuerdo con la exma. junta departamental la gracia que solicitaron. Al efecto este propio gobno. trato de establecer las bases en que debiera procederse á dicha adjudicacion, teniendo presente para hacerlo, que estas producirian un resultado, tanto mas satisfactorio, cuanto mas con esas estuvieran las conceciones y deberes que en ellas se impuciesen al cultivador con su interes particular, por cuyo motivo se concedio á los solicitantes para terrenos de labor la esclusiva propiedad de una caballeria de tierra á las cabezas de familia, y la mitad á los que no lo fueren, adjudicandoles á ambos el solar indispensable para



morada en los egidos de la nueva poblacion que debe establecerse, igualmente se tuvo á la vista la mira de dejar abierto el amparo necesario para la prosperidad de la colonia, y con esta tendencia se dispuso que todos los nacionales que en el termino de un año contado desde la fha. del establecimiento de esta, se presentasen al gobierno por el conducto correspondiente en solicitud de la misma gracia les fuese concedida con unas ligeras modificaciones, las cuales consisten, en que estos individuos al entrar en posesion de la suerte de tierra que se les señale, tendran que satisfacer por solo una vez el cinco por ciento calculado sobre el valor de ellas y que igualmente tendran que comprar por todo su valor el solar que preterdan en la poblacion, con el objeto de que tanto el primero de estos productos como el último sean destinados para fondos de propios y arbitrios de la misma. Y como este acontecimiento deba estar al alcance de todos los habitantes del departamento el E. S. Gobor. ha dispuesto se circule este aviso con el fin indicado y con el de invitar á los ciudadanos pobres honrados industriosos que quieran establecerse en la nueva colonia recordandoles aquella sabia maxima "de que si la felicidad perpetua fuera compatible con la naturaleza humana se la deberia buscar en el campo," y la otra no menos sabia y mucho mas liberal que sirve de epigrafe á uno de nuestros modernos ilustrados periodicos, y dice "de todo cuanto puede emprenderse ó buscarse en el mundo, nada es mejor, nada mas util, nada mas dulce, ni mas digno de un hombre libre que la agricultura." Lo que tengo el honor de comunicar á V. S. por disposicion del E. Sor. Gobor. para los fines consiguientes.

Dios y libertad, Agosto 13 de 1840.

[Una rubrica.]

Á LOS PREFECTOS.

#### PREFECTURA DE HIDALGO, No. 356.

Por la circular de V. Sa. de 13 del corriente, me he impuesto de que á 116 vecinos de la villa del Paso se presentaron á ese supr. gobno. pidiendo se les adjudicasen los terrenos cultivables que existen en las margenes del Rio Bravo, en el punto que vulgarmente es conocido con el nombre de Ancon de Da. Ana, se les han concedido en la forma que espresa la misma circular invitando á los hombres labradores que quieran establecerse en dicha colonia para que lo verifiquen con las franquicias que se les conceden las que comunicare á las autoridades subalternas del distrito, con el fin de que publicadas lleguen á conocimiento del publico.

Dios y libertad, Hidalgo, Agosto 18 de 1840.

JOSÉ MA. DE ECHAVARRIA, [una rubrica.]

JOSÉ LEANDRO MUÑOS, [una rubrica.]

SOR. SRIO. del Gobno. del Departamento.

#### PREFECTURA DEL PASO, NUMO. 138.

Para los fines á que se contrar la superior circular del E. S. Gobor. de 13 del actual, relativa á invitar á los C. O. pobres honrados é industriosos que quieran establecerse en la nueva colonia de Da. Ana, la he circulado y mandado publicar, en todo este distrito de mi cargo, lo aviso á V. S. para su inteligencia y superior conocimiento de S. E. el Sr. Gobernador.

Dios y libertad, Villa del Paso, Agosto 28, de 1840.

JOSÉ MORALES, [una rubrica.]

RAMON DIAS DE LA SERNA, [una rubrica.]

SR. SRIO. del Superior Gobierno del Departamento de Chihuahua.



## PREFECTURA DEL DISTRITO DE GUADALUPE Y CALVO.

Queda recibida en esta gefa. la circular fha. 13 del presente, relativa á la nueva poblacion que se va á formar en la margen del Rio Bravo, á diez leguas de la villa del Paso del norte, la que se publicara en esta cabecera y circulara en el distrito de mi cargo para el mismo fin. Sirvase V. S. hacerlo así presente al E. S. Gobor., y admitir mio protestas de aprecio.

Dios y libertad, Guadalupe y Calvo, Agosto 23 de 1840.

JOSÉ S. PAREJA, [una rubrica.]  
 MARIANO SAENS, *Srio.*, [una rubrica,]

SOR. SRIO. *del Despacho del Gobno. de Chihuahua.*

## PREFECTURA DEL PASO, NUMO. 153.

Tengo el honor de dirigir á V. S. con el informe que he creido justo la adjunta representacion del C. Pascual de la O. y socios, á fin de que se sirva dar cuenta con ella al E. Sr. Gobor. para lo que á bien tenga resolver.

Dios y libertad, Villa del Paso, Octubre 19 de 1840.

JOSÉ MORALES, [una rubrica,]  
 RAMON DIAS DE LA SERNA, *So.*, [una rubrica.]

SOR. SRIO. *del Gobno. del Departamento de Chihuahua.*

EXMO. SOR.: Los que suscribimos vecinos de este pueblo de Cenecú, perteneciente á la cabecera del Paso, ante la recta y digna justificacion V. E., con el debido respeto ocurrimos á impetrar la gracia que á merito del peso de razones que justamente nos favorecen pasamos á exponer. El rigor de la miseria que desgraciadamente nos aflije, la ecesiva escases de toda clase de recursos que se nos han agotado, y el incremento en nuestras inocentes familias que hor razon de los tiempos se multiplican, y son las que sin culpa padecen todas estas infaustas vicisitudes que en la realidad experimentamos, nos estrechan imperiosamente á dirigir nuestros tristes clamores á la unica y benefica frente que es capaz de remediarlos V. E. pues con mano, piadoza y en obsequio de los nobles sentimientos de humanidad que le son caracteristicos, se ha de servir proporcionar el escluivo medio que hay y haremos ver, para impedir el rapido curso que lleva la crisis de la indigencia que nos atormenta. Este no es otro que el de que se digne ampliarnos el derecho de cultivar en propiedad y con arreglo á las leyes, ya sea por especial gracia ó ya por nuestro peculio, la parte de terrenos feraces y baldios qué hay en este pueblo abandonados. Pueda suceder que nuestra justa solicitud cause á primera vista una sorpresa: pero si se atiende á que la arca de terrenos de las condiciones referidas es bastante dilatada, en terminos de que el corto numero de indigenas que tiene este pueblo nunca podra cultivarlos, bien sea por la magnitud de ellos, ó bien por su notoria apatia ó abandono, yamas de esto si se observa que nuestras agricolas fortunas son tan sumamente reducidas que sus producciones son incapaces de facilitarnos ni aun medianamente el foroso sosten de nuestras familias repetidas, y por cuyos motivos reportamos las penurias formidables que al principio reseñamos se vendra en conocimiento por consecuencia recta, á que la suprema ley de la necesidad nos impulsa á hacer uso por los medios legales de este derecho de peticion, que de su aquiescencia resulta nada menos que el bien general y particular, aunque á el puede arguir la ambicion antipatia y egoismo refinado, cualidades que en esta clase de pueblos siempre han reinado de los naturales, para con los vecinos.

Podria desirsenos tambien que nos alistasemos al numero de los pobladores de la nueva colonia, que va á establecerse en al punto de Da. Ana, dependiente de la cabeza de la villa del Paso, pero aunque abundamos en estos buenos deseos nuestro mesquino patrimonio que no consiste en otra cosa que en la propiedad de unos muy cortos pedasos de tierra como hemos manifestado y una infelís chosa que nos sirve de morada, nos priva absolutamente de esta gracia ó comodidades con que la clemente bondad de V. E. se ha dignado brindarnos, siendonos así mismo obstativa, para ir á ella el abandonar los escasos bienes de fortuna que en accion propia poseemos como vecinos de este pueblo, por ni haber quienes quieran comprarlos con cuyo producido pudieramos surtirnos los indispensables utencilios para ser empresarios del nuevo establecimiento colonial. Por tanto, á V. E. encarecidamente suplicamos se digne deferir á nuestra sumisa solicitud, en lo cual recibiremos particular gracia, por la que viviremos en perpetuo reconocimiento.

Cenecú, Octubre 10 de 1840, E. S.

Pascual de la O.  
 José Blas Rivera.  
 Candelario Gonzalez.  
 Teodoro Benavidex,  
 Juan Auto. Garcia.  
 Anastacio Cando.  
 Saturnino Alvillan.  
 Tomas Griego.  
 Marcelo Orosco.  
 José de los Angeles Cuvero.  
 Calixtro Leyva.  
 José Favela.  
 Encarnacion Romero.  
 José Velarde.  
 José Ma. Gonzalez.  
 José Felix Lopezj.

Pablo Alvillar.  
 Gregorio Montoya.  
 Juan Pablo Arce de Madrid.  
 Antonio Jaramilla.  
 José Vicente Lopez.  
 Bautista Griego.  
 Cristobal Orosco.  
 Silvestre Pasos.  
 Nicolas Pacheco.  
 Eugenio Lopez.  
 Gabriel Cordero.  
 José Soto.  
 José Blas Duran.  
 Cosme Rios.  
 Simon Guerra.  
 Valentin Maese.

EXMO. SR.: El hallarse al alcanse de V. E. las quejas que con repetición han hecho los yndigenas del pueblo de Senecú por no querer que sus terrenos se ocupen por vecinos radicados en dicho pueblo, me abstiene informar minuciosamente las causas poderosas que impiden para que no se acceda al pedido de los postulantes quienes aunque es verdad que experimentan miserias por la falta de terrenos pueden solicitarlos si desean ocuparse en el trabajo en la nueva colonización de Da. Ana, en donde hay los suficientes que prestan las comodidades que el hombre industrioso debe apetecer en la vida humana causas todas que motivaron á la bondad de V. E. para hacer general la concecion de terrenos de la mencionada colonia á todos los nacionales que quieran avecindarse en ella V. E. no obstante lo espuesto dispondra lo que sea de su superior agrado.

Villa del Paso, Octubre 19 de 1840.

JOSÉ MORALES, [una rubrica.]  
 RAMON DIAS DE LA SERNA, So., [una rubrica.]

DEC. 15.

De conformidad con lo informado por la prefectura no se accede á esta solicitud pudiendo asegurar la misma autoridad á los interesados que el gobno. les proporcionara en el punto de Da. Ana todas las ventajas que deseen.

[Una rubrica.]

Vistos por el E. S. Gobor. la representacion de algunos vecinos de Senecú pidiendo las tierras de los naturales y el informe de V. S. en que manifiesta los justos derechos de estos y los inconvenientes que resultarian accediendo á la solicitud de aquellos se ha servido decretar de conformidad con el informe de V. S. previniendome que al comunicarselo le encargue asegure en nombre del gobno. á los representantes que S. E. les proporcionara en el punto de Da. Ana todas las ventajas que decean.

Reitero, &c., D. y L., Debre. 15 de 1840.

SR. PREFECTO *del Paso*.

[Una rubrica.]

*Numo. 179.*

Llegado el dia en que debian marcharse los pobladores de la nueva colonia de Da. Ana parte de ellos se ecsimieron por el temor de los enemigos, los que quedaron y estan en ancias por poner en practica su empresa, se los priva su miseria el corto numero de hombres que no es suficiente para repeler en aquel punto cualquiera invacion que se les presente, en cuya inteligencia me suplican con encarecimiento se les prolongue hasta el 1º del mes de Febro del año entrante, pa. marcharse al mencionado punto, tanto par concluir en este tiempo algunos negocios de urgente necesidad como para ver si dentro de el se alistan otros individuos para engruesar su fuerza, pidiendo á mas se les compele á los firmantes que sin excusa legal se eximen para que cumplan su compromiso, pues creen que se han eximido pr. no asistir al trabajo de la azequia. Todo lo espuesto participo á V. S. á fin de que se sirva ponerlo en conocimiento del Exmo. Sor. Gobernador para que S. E. se digne si fuere de su superior agrado concederles á los licitantes la prolonga que piden, así como si podre obligar á los que se han eximido, ocurran al trabajo de la azequia, como lo solicitan los que hasta la fha. estan firmes en seguir su compromiso. Protesto á V. S. las consideraciones mas sinceras de mi aprecio.

Dios y Libertad, Paso, Nobre. 18 de 1840.

SR. SRIO. *de Gobierno del Departamento*.

Es copia. Villa del Paso, Junio 9 de 1842.

I. DOLORES MADRID, *So.*, [una rubrica.]

El Exmo. Sr. Gobernador desea conocer los motivos que han diferido el cumplimiento de la orden que se comunico á esa prefectura en 31 de Julio de 1840, para la mercenacion de los terrenos de Da. Ana, y establecimiento de una nueva poblacion en aquel punto. Espera por lo mismo S. E. el informe respectivo que se servira V. S. emitir con la brevedad que recomienda la importancia de este asunto.

D. y L., Paso, Junio 8 de 1842.

[Una rubrica.]

SOR. PREFECTO *del Paso*.

PREFECTURA DEL DISTRITO DEL PASO, NUMO. 12.

Ocupada esta gefa. en buscar y traer á la vista los antecedentes respectivos que tengan relacion á las causales que han embarazado hasta ahora el establecimiento de una nueva colonia en los terrenos de Da. Ana á que se contrajo la orden superior del Exmo. Sor. Gobor., fha. 31 de Julio de 1840, y de que hace referencia la nota de V. S. de 8 del actual, sobre que recaba el correspondiente informe, encuentra solo una comunicacion datada el 18. de Nbre. de dicho año en que se espresa que los empresarios en su mayor parte se eximieron de llevar al cabo su compro-

miso por temor de los enemigos Apaches, y los restantes pidieron se les prolongase el tiempo hasta el inmediato Febrero segun demuestra por menor la copia que acompaña á V. S. para que se sirva elevarla al Exmo. Sr. Gobor. en cumplimiento de lo que se me previene en dicha orden sobre el particular.

Dios y Libertad, Villa del Paso, Junio 9 de 1842.

JOAQUIN VELARDE, [una rubrica.]

J. DOLORES MADRID, So., [una rubrica.]

SOR. SRIO. de Gobno. del Departamento.

#### PREFECTURA DEL DISTRIO DEL PASO, No. 28.

Con el informe que me ha parecido conveniente, tengo el honor de acompañar á V. S. la representacion que los pobladores del Ancon de Da. Ana, dirijen al Exmo. Sor. Gobor. cuya representacion va agregada al espediente que sobre la materia ha formado esta prefectura que se servira poner al supr. conocimiento de S. E. para que recaiga su resolucion.

Dios y Libertad, Ville del Paso, 19 de Abril de 1843.

MAURICIO UGARTE, [una rubrica.]

J. DOLERES MADRID, Srio., [una rubrica.]

SOR. SRIO. de Gobno. del Departamento.

#### VILLA DEL PASO, Abril 19 de 1843.

Que se observe en la poblacion de Da. Ana el reglamento y disposicion de la junta que obra en el espediente, que ya, por la comandancia gral., se dira lo conveniente sobre el destacamento y armas que se solicitan; que se ecepcionan del servicio de armas los pobladores quien en su pueblo si prestaran este servicio que de las contribuciones general no se pueden eceptuar; que no se puede acceder á el pedido de vecinos de otros pueblos que hacen; que aunque el gobno. desea conocer personalmente el lugar de la poblacion, sus ocupaciones y negocios urgentes que llaman su atencion en Chihua. no le permiten pasar á el; que se les permite labrar por este año los terrenos que solicitan. Deseando el E. Sor. Gobernador que sin perdida de tiempo se lleve á efecto, la poblacion del Ancon de Da. Ana., con vista del espediente de la materia que V. S. me acompaña á su nota de hoy, ha dispuesto S. E. que se observe en este negocio el reglamento espedido en 31 de Julio de 1840, y corre en el referido espediente que devuelbo á V. S. pues el comprende lo necesario para que esa prefectura obre en este asunto con la certeza debida, y por tanto quien S. E. que desde luego dicte V. S. las ordenes convenientes á fin de que la poblacion de Da. Ana tenga el impulso necesario. Por lo que respecta á la solicitud que ultimamente han dirijido á S. E. algunos de los pobladores del mencionado punto que se ha agregado á el espediente, dispone el E. Sor. Gobor. se diga V. S. como lo hago, que ya por la comandancia gral. se dictan las providencias convenientes á fin de proporcionar algun destacamento, armas y municiones que solicitan; que los pobladores de Da. Ana quedan eceptuados del servicio de armas. pues este solo lo prestaran en su pueblo de la manera que sea necesario, que no se les puede eximir del pago de contribuciones, por que estas son impuestas por el supmo. gobno. cuyas disposiciones no puede alterar el E. Sr. Gobernador: que tampoco puede acceder á el pedido de vecinos de otros pueblos, que hacen para la construccion de la azcquia, por que estos trabajos son esclusivos de los pobladores quienes solamente disfrutan de los beneficios de la ley: que llamando la atencion de S. E. en Chihuahua negocios urgentes, no puede aunque lo desea

pasar personalmente á el terreno que debe poblarse, como la hara en otra vez que visite esta frontera; y por último que se les concede á los que suscriben la mencionada solicitud, con los demas que se hallen en su caso, labrar los terrenos que piden, por este año interin se les reparten sus propiedades con sujecion á el reglamento citado y L. L. de la materia. S. E. espera que V. S. con la actividad que le es característica obrara en este negocio hasta superar los inconvenientes que se presenten para que la poblacion de Da. Ana tenga efecto á cuyo fin igualmente quien el E. Sr. Gobernador que V. S. haga publicar esta disposicion, y mandar se ponga en conocimiento de los interesados dando cuenta V. S. á este gobierno de todos los resultados en este negocio.

D., &c., Villa del Paso, Abril 19 de 1843.

SOR. PREFECTO *de la Villa del Paso.*

AGOSTO 10 DE 1843.

Preguntese al prefecto el estado que guarda hoy la poblacion de Da. Ana.

MARTINEZ, [una rubrica.]

SN. 1<sup>a</sup>. Deseando saber el Exmo. Sr. Gobernador cual sea el estado que guarda hoy dia la poblacion del ancon denominado de Da. Ana, cuyo negocio recomendo á V. S. este gobierno en orden que le comuniqué con fecha 19 de Abril ultimo me manda pedir á U. informe sobre este particular, y en cumplimiento de su orden lo manifiesto á V. S. para los fines consiguientes.

D., &c., Agosto 14 de 1843.

SR. PREFECTO *del Paso.*

Habiendo informado la prefectura (se devolvio) recayo el decreto siguiente:

CHIHUAHUA, *Noviembre 15 de 1843.*

Vuelva á la prefectura para que tome las providencias convenientes á fin de aclarar la certesa de los hechos sin dar lugar á alarma entre los Indios y preste en caso necesario los auxilios precisos á los pobladores de Da. Ana.

MONTERDE.

BARCENAS,

*Secretario.*

Con la misma fecha se devolvio á la prefectura:

PREFECTURA DEL DISTRITO DEL PASO DEL NORTE, NUMO. 10.

Aunque me habia dedicado en estos dias, de formar las cuentas del ramo de capitacion de que trata el arto. 15 y 34 de la ley de 7 de Abril del año po. pdo., que dejaron de hacer mio antecesores, para remitirlas por el presente correo, á ese Supr. Gobno. no me ha permitido verificarlo el tener que separarme el dia 15 del corrte. para el punto de Da. Ana, con el fin de hacer el reparto de terrenos á los solicitantes pobladores que ese mismo supr. gobno. les ha concedido. De aquí resulta que tanto aquel negocio como otros que puedan ocurrir en el interin que yo regreso á esta villa, tendran que padecer atraso en su despacho, por razon de no serme permitido el entregar la prefa. al individuo que la ley llame, por serle encomendado esclusivamente al prefecta. segun el reglamento de 31 de Julio de 1840 relativo al asunto. Sirvase V. S. poner esta comunicacion en conocimiento del Emo. Sor. Gobor.

Dios y libertad, Villa del Paso, Enero 13 de 1844.

ANTONIO REY,

J. DOLORES MADRID, [una rubrica.]

*Secretario.*

SOR. SECRETARIO *del Gobno. del Departamento.*

SECON. 2ª. Por la nota de V. S., numo. 10, de 13 del corriente, queda enterado el E. Sr. Gobor. de que el 15 del mismo mes, marchaba V. S. al punto de Da. Ana, con el fin de hacer el reparto de terrenos á los solicitantes pobladores, llavando consigo el mando de la prefa. por el motivo que espone, y lo aviso á V. S. para su conocimiento conforme lo acordado por S. E.

Dios, &c., Enero 26 de 1844.

[Una rubrica.]

SOR. PREFECTO *del Distrito del Paso.*

PREFECTURA DEL DISTRITO DEL PASO DEL NORTE, NUMO. 20.

Sirvase V. S. manifestar al E. Sr. Gobor. mi regreso á esta villa despues de doce dias de emprender mi marcha á Doña Ana, y que la premura del tiempo no me permite remitir á la vez el espediente que demuestra las operaciones, que practique y los títulos de los terrenos adjudicados para la aprobacion de S. E. pero que lo hace oportunamente con los informes que crea necesarios.

Como el reglamento espedido para la adjudicacion de terrenos en dicho punto, comete esa facultad esclusivamente al prefecto y este se halla distante 20 leguas y recargado de negocios por sus diversos encargos, suplico á V. S. se sirva recabar la correspondiente resolucion sobre si cada vez que se presenten muchos pobladores ha de ir el prefecto á repartir los terrenos, ó como debe consiliarse este negocio para evitar el atraso consiguiente á los demas que le son peculiares y tal vez exigentes.

Dios y libertad, Villa del Paso, Enero 31 de 1844.

ANTONIO REY,

J. DOLORES MADRID,

[una rubrica,]

[una rubrica.]

*Secretario.*

SOR. SECRETARIO *de Gobno. del Departamento.*

FEBRERO 14.

Que la prefectura puede comisionar á los individuos que jusque á proposito para la reparticion de terrenos en los casos que ella misma no pueda hacerla.

[Una rubrica.]

SECON. 1ª. Si la prefectura al cargo de V. S. no pudiese por alguna causa que lo impida hacer por ella misma la reparticion de terrenos en el punto de Da. Ana, á los pobladores que los soliciten, puede la misma prefectura comisionar tal encargo á los individuos que jusque á proposito para practicar la operacion. Así ha acordado el E. Sor. Gobor. lo comuniqué á V. S. por resolucion á la consulta que hace en su nota numo. 20, de 31 de Enero ultimo, que contesto para su conocimiento.

Dios, &c., Fbro. 14 de 1844.

[Una rubrica.]

SOR. PREFECTO *del Distrito del Paso.*

PREFECTURA DEL DISTRITO DEL PASO DEL NORTE, NUMO. 93.

El juez de paz de Da. Ana, con fecha 14 del corriente, me dice lo que sigue:

“El papel que segun leyes de colonizacion debe exigirse á todos los individuos que han tomado posesion de tierras an esta nueva colonia para que puedan obtener de la prefa. del digno mando de V. S. el correspondiente título de propiedad es casi imposible hacer efectiva esta

determinacion por la infelicidad y escasas en que se hallan embueltos estos colonos, ofreciendo todos hacerlo tan leguo como levanten las cosechas de este año.

“Esta ocasion me ofrece la vez de protestar á V. S. todo mi respeto.”

Y lo inserto á V. S. manifestandole para conocimiento del Exmo. Sor. Gobor. que por esta causa no se han estendido los respectivos títulos segun tengo avisado, ni tampoco repartido terrenos para casas.

Dios y libertad, Villa del Paso, Abril 19 de 1844.

ANTONIO REY, [una rubrica.]  
J. DOLORES MADRID, [una rubrica.]  
Secretario.

SOR. SECRETARIO *del Gobno. del Departamento.*

[Una rubrica.]

MAYO 6.—Enterado.

SECON. 2ª. Por la nota del juez de paz de Da. Ana que V. S. inserta en su nota de 19 de Abril pmo. pdo., queda enterado el E. Sor. Gobor. del motivo por que no se han entendido á los pobladores del citado punto los títulos de la propiedad de tierras que han adquirido ni repartido los solares para las casas en que habiten.

Dios, &c., Mayo 6 de 1844.

[Una rubrica.]

SOR. PREFECTO *del Distrito del Paso.*

#### PREFECTURA DEL PASO, NUMO. 13.

He remitido al juez de paz de Doña Ana el espediente original instruido sobre la colonizacion de aquel punto, facultandolo para que haga las correspondientes mercenaciones de tierras y espediciones de títulos tanto á los vecinos que se hayen actualmente radicados como á los que ocurran dentro del termino que señala el reglamto. Para hacerlo así he tenido presente la imposibilidad que tengo de hacerlo personalmente por las repetidas incurciones de los barbaros; y por atender en persona á la fatiga del rio de esta villa, como de vital interes á todos sus habitantes; y aunque lo podria hacer despues de esto, como el mismo juez de Doña Ana me dice oficialmente que los vecinos le reclaman sus títulos, me ha parecido conveniente hacerlo como he dicho. V. S. se servira manifestarlo á ese supr. gobierno para su resolucion.

Dios y libertad, Paso, Enero 23 de 1846.

GUADALUPE MIRANDA, [una rubrica.]  
JOAQUIN ALVAREZ, *Srio.*, [una rubrica.]

SR. SRIO. *de Gobno. de Chihuahua.*

La nota de V. S. No. 13 de 23 de Enero pmo. pdo. ha impuesto al E. Sr. Gobernador de haber remitido esa pefa. al juez de paz de Doña Ana el espediente original instruido sobre la colonizacion de aquel punto facultandolo para que haga las correspondientes mercenaciones de tierras y espediciones de títulos, tanto á los vecinos que actualmente se hayen radicados como á los que ocurran dentro del termina que señala el reglamento de la materia.

Dios, &c., Mzo. 11 de 1846.

[Una rubrica.]

SOR. PREFECTO *del Distrito del Paso.*

Lista de los individuos de la compañía auxiliar de ynfanteria del Paso que pasan á la colonia de Doña Ana á prestar sus servicios.

Sargento Manuel Provencio.  
Cabo. José M. Lujan.  
Soldados Francisco Provencio.  
José Tafoya.

José Vianes.  
José Ma. Perea.  
José Dolores Apodaca.

PASO, *Abril 30 de 1843.*

PASO, *Agosto 12 de 1843.*

De los dos fuciles que se le dieron á D. Geronimo Lujan, entrego uno que estaba consignado á José Tafoya que dandole á este el que se le dio como á soldado.

Espediente instruido sobre colonizacion del Ancon de Da. Ana desde Julio de 1840.

### NUMO. 3.

En el cuaderno del año de 840 en que esta gefatura tiene anotadas las comunicaciones que dirige al supr. gobno. departamental se encuentra una en la foja 17 frente del tenor siguiente :

### NUM. 100.

Tengo el honor de dirijer á V. S. con el informe que he creido justo la adjunta representacion de varios vecinos de esta villa para que se sirva dar cuenta con ella al E. Lor. Gobor. para lo que á bien tenga resolver reencargando á V. S. muy particular de mi parte el pronto despacho del asunto, mediante la necesidad que tienen estos habitantes de llevar adelante su empresa si el superior gobno. accede á su solicitud.

Julio 8 de 1840.

Es copia. Villa del Paso, Abril 19 de 1843.

I. DOLORES MADRID, [una rubrica.]

En el cuaderno 3º de decretos, circulares, y bandos, que en borrador sigue la prefa. de este distrito, á foja 25 vta., se encuentra anotado un ynforme del tenor siguiente :

Ynforme en representacion de varios vecinos de esta villa que solicitan poseer el terreno de Doña Ana se puso el siguiente :

E. S. : En informe de 18 de Sbre. po. po. de esta prefa. se ha dicho á V. E. lo conveniente sobre el terreno que tratan laboriar los solicitantes. Estos en fuerza de las circunstancias de que á la vez se hallan por no tener terrenos que cultivar con otras razones de no menos consideracion y que se hallan al alcance de V. E. me hace abstenerme de pormenorizar muy pormenor las miserias que padece esta poblacion por la falta de granos para su subsistencia y que de no dedicarse á la libranza parte de los vivientes de esta villa es claro que siempre se mantendran á la mas lastimosa suerte á causa de la falta de terrenos de que carecen, pudiendo asegurarse de que si la criciente del rio en el año entrante es al igual á la que acaba de desaparecer endudablemente debe perderse media jurisdiccion juntamente con el pueblo del Real y parte de los demas pueblos que tiene asilados el mismo rio causal que obliga á los mismos licitantes buscar en donde morar para no ser testigos de la ultima ruina. No ob-



stante lo espuesto V. E. en su vista resolvera lo que crea de su mayor agrado.

Paso, Julio 7 de 1840.

Es copia. Villa del Paso, 19 de Abril de 1843.

I. DOLORES MADRID, *Srio.*, [una rubrica.]

En el cuaderno del año 839, en que esta prefectura tiene anotados las comunicaciones que dije al supr. gobierno departamental se encuentra un informe del tenor siguiente:

Ynforme puesto en ynstancia de José Ma. Costales, su fecha 18 de Sbre. de 1839.

E. S.: El punto de Doña Ana dista. de esta villa 10 leguas, poco mas ó menos; posee abundantes y ferases terrenos para laborear y demas usos, facilita con poco trabajo toma de agua para cultivarlos de regadio, y en suma tiene todas las ventajas, que necesita un nuevo poblador para conseguir el fin que se propone. Por esas razones y las muchas de mas peso que se hallan al alcance de V. E. no me detendre en manifestarle que no encuentro un obstaculo que obste para que se les pueda negar á los licitantes su pretencion que tien por objeto el aumento de la poblacion tan necesaria para la felicidad de un pais en todas epocas y circunstancias. Es lo que puedo decir á V. E. sobre el particular para que en su vista resuelva lo que fuere de su superior agrado.

Octubre 18 de 1839.

Es copia. Villa del Paso, 19 de Abril de 1843.

I. DOLORES MADRID, *Srio.*, [una rubrica.]

SECRETARIO DEL GOBNO. DE CHIHUAHUA.

La E. Junta Departamental, á cuyo juicio se paso por este gobierno en consulta el espediente instruido á virtud de la solicitud de varios vecinos de esa villa contraida á que se les mercene el punto de Da. Ana ha espuesto el siguiente dictamen:

“EXMO. SOR.: La solicitud de algunos vecinos de la villa del Paso contraida á pedir se les adjudiquen los terrenos del punto llamado Da. Ana distante diez leguas de la mencionada villa, es sin duda atendible pues mira nada menos que al formento de la industria, puesto que como afirma el sor. prefecto del Paso en su informe, poblado aquel punto por los solicitantes, se cultivaran los feraces terrenos de laborio que aquel contiene. Este efecto así como el de aumentar la poblacion que tanto interesa á toda sociedad y por otra parte el evitar la osioidad á que puedan entregarse muchos de los interesados en virtud de no tener un solo palmo de tierra para adquirir su subsistencia, hace á la junta opinar por que con arreglo á las leyes de colonizacion se agracie á los interesados, con la adjudicacion de la parte de terreno que por aquellas les corresponda, revirtiendolos igualmente de todas las mercedes y privilegios que las leyes conceden á los nuevos pobladores. Este es su sentir no obstante V. E. en el particular resolvera lo que estimare conveniente y justo.”

En vista del anterior dictamen puso el E. Sr. Gobor. el acuerdo siguiente:

“De conformidad con lo consultado por la E. Junta Departamental, pasese este espediente al director del cuerpo geografico para que de preferencia, y con presencia de las leyes de la materia consulte los terminos en que debe hacerce la adjudicacion de los terrenos que se solicitan.”

[Una rubrica.]

En consecuencia el director referido espuso lo siguiente :

“EXMO. SOR.: Cumpló hoy con el acuerdo de V. E., fecha 8 del presente Julio, relativo á que informe los terminos en que deba hacerse la mercenacion de terrenos á los ciento diez y seis vecinos que la solicitan en el punto de Da. Ana, y al verificarlo solo no es completa mi satisfaccion por el justo temor que me acompaña de que mis trabajos no surtan los efectos que V. E. pudiera prometerse. La circunstancia de no ser á mi entender, una verdadera colonizacion la de que se trata por pedirse en ellas mercenacion de tierras por habitantes todos del departamento y aun del mismo distrito del Paso, el temor de que mi creencia fuera erronea en la materia, la dificultad que se me presentaba en si debia ó no sugetarse este reglamento á las leyes de colonizacion generales de la república y particulares del estado, la duda de si estarian vigentes algunas de estas por no tener una pugna manifiesta con el actual sistema de gobierno, la circunstancia de que no fuere autoridad legislativa quien lo dictaba; y el tener que dar en el sin pasar las facultades del gobierno, disposiciones que ordenasen bien el establecimiento de la poblacion, evitando al mismo tiempo algunos males que pudieran temerse, fueron motivos que detubieron mi consideracion, y me privaron del gusto de haber remitido á V. E. este informe, con la brevedad que tal vez lo apetecia. Me sera de suma complacencia salga conforme á los deseos de V. E. en caso contrario V. E. podra reformarle tanto en lo material como en lo formal de la manera que fuere de su superior agrado.”

Reglamento para proceder á la mercenacion de los terrenos de Da. Ana entre varios individuos del distrito del Paso que la han solicitado.

ARTO. 1º. Se concede á los ciento diez y seis vecinos que por conducto del sor. prefecto del Paso solicitan la mercenacion de terrenos en el punto de Da. Ana la licencia necesaria para que pasen á poblar el referido punto.

ARTO. 2º. A cada persona de las solicitantes que pase á establecerse en el se concedera si fuere cabeza de familia el espacio de tierra comprendido en un cuadro cuyo lado tenga setecientas ochenta varas y media de longitud, y si no lo fuere, el que se compenda en un paralelogramo de igual longitud y la mitad de la latitud anterior. Este terreno debera entenderse, comedido para que situen en el su labor de riego.

ARTO. 3º. En lugar que fuese mas á proposito á juicio del sor. prefecto del distrito, para levantar la poblacion se medira una area igual á la octava parte de un sitio de ganado mayor ó dos mil quinientas varas de longitud y mil doscientas cincuenta de latitud, la que se destinara para egidos de la poblacion. Al elejir prefecto el lugar de que se habla debera sugetarse en cuanto sea posible á lo dispuesto en el capitulo 5 de la ley reglamentaria numo. 32, fecha 18 de Nov. de 33, espedida por el congreso del estado.

ARTO. 4º. Para el mejor orden de la poblacion, el sor. prefecto cuidara de distribuirla en cuadras de cien varas de largo y cincuenta de ancho, con calles de por medio de doce y media varas de latitud.

ARTO. 5º. Cado uno de los actuales solicitantes sera agraciado con la mitad de una cuadra ó una superficie de cincuenta varas por lado, para que en ella situe su habitacion, debiendose cuidar de que estas posesiones, esten inmediatas las unas de las otras para la mayor seguridad del lugar. En la parte mas central de este se tomaran cuatro cuadras dos que unidas por su longitud formaran la plaza, y las otras dos que quedaran destinadas para casas consistoriales, yglesia, y casa curato cuando lleque á haberlas.

ARTO. 6°. Los solicitantes deberan trasportarse á aquel punto á la mayor brevedad posible, bajo la direccion del sr. prefecto del distrito, quien debera hacerles la distribucion de las tierras segun lo dispuesto en este reglamento y las leyes vigentes.

ARTO. 7°. Ninguno de estos podra separarse del lugar antes de dos años sin previa licencia del gobierno y los que lo hicieron perderan las tierras que se les hubiesen donado.

ARTO. 8°. La poblacion quedara sometida por. ahora al sr. prefecto del distrito del Paso, debiendose considerar como perteneciente al partido del mismo nombre.

ARTO. 9°. Repartidos que sean los solares y establecidas en ellas las familias se tratara de arreglar el gobno. municipal de la poblacion de conformidad con lo dispuesto en la ley reglamentaria de 20 de Marzo de 1837, y consultando tambien la determinacion espedita por la E. Junta Departamental mandada observar por este superior gobno. en 2 de Nov. de 1839.

ARTO. 10°. El termino maximo de tiempo que se concede á los pobladores para trasladarse al punto que solicitan sera el de tres meses contados desde el dia en que se reciba este reglamento por la prefectura respectiva. El individuo que no ocurriese en el á recibir las tierras que le correspondan, debera hacer constar ante aquella el impedimento legal que lo hubiere detenido ó de lo contrario, perdera el derecho que por los artículos anteriores se le concedia.

ARTO. 11°. Ynmediatamente despues de haberse reunido en el punto de Da. Ana la mitad y uno mas de los colonizadores; el sor. prefecto procedera á establecerles su gobierno municipal conforme á lo dispuesto en el arto. 9° de este reglamento, debiendo nombrar un juez propietario y un suplente, para lo cual lo autoriza este gobierno en virtud de la facultad que se le concede en el arto. 7° de la disposicion de 2 de Nov. ya citado.

ARTO. 12°. Todas los nacionales que en el término de un año contado desde el dia que habla el arto. 10°, se presenten solicitando terrenos en el referido punto seran agraciados con el mismo que se concede á los nuevos pobladores ecepto el que se señalo á esos para casa morada en el centro de la poblacion. Á ningun extranjero se permitira entrada á esta sin que haya manifestado á la autoridad politica el pasaporte respectivo.

ARTO. 13°. Los solicitantes de que habla el artículo anterior deberan dirigirse á este gobno. por conducto del prefecto respectivo quien al estender el informe correspondiente lo hara en vista que tenga de la industria y honrades del solicitante.

ARTO. 14°. Como las personas de que se habla en los dos artículos que preceden, al establecerce en la nueva colonia entren en el goce de comodidades proporcionadas por el trabajo de sus antecesores para que como estos contribuyan á la prosperidad de la poblacion deberan satisfacer un cinco por ciento calculado sobre el justo valor de las tierras que se les mercene. Esta pencion exigira por sola una vez y debera destinarse para fondos de propios y arbitrios.

ARTO. 15°. Ygualmente se destinara para formar el fondo de propios y arbitrios el importe de los salares que situados en los egidos de la poblacion se vendan por el precio que se les asigne.

ARTO. 16°. Las mercenaciones que se hagan á los nuevos solicitantes, se cuidara se situen en los lugares inmediatamente siguientes á los ya mercenados.

ARTO. 17°. Tanto estos como los primitivos pobladores, podran ad-

quirir por título de compra hasta tres suertes iguales á las mercenadas para labor y una cuadra entera de las constituidas para habitacion.

ARTO. 18°. El precio de las suertes y solares mencionados sera por ahora la mitad del que tendrian en la actualidad en la villa del Paso.

ARTO. 19°. Son obligaciones particulares de los nuevos pobladores:

Primero: Comensar á disponer su labor en el termino de seis meses.

Segundo: Contribuir con las penciones establecidas por las leyes para el fondo de propios y demas que designen aquellas.

Tercero: Presentarse armados al llamamiento de la autoridad politica ó militar, alternando por mitades todas las personas capaces de llevar las armas en los casos ordinarios que se ofrescan. Cuando el peligro eminente pidiese mayor número de hombres deberan prestarse todos los que fuesen llamados por la autoridad.

Cuarto: Contribuir con su trabajo personal á la construccion de una presa ó toma de agua, y á su reparacion ó composicion siempre que la autoridad politica lo jusque necesario. Los sucesores tendran respectivamente las mismas obligaciones.

ARTO. 20°. El sor. prefecto del distrito concedera á los nuevos pobladores el agua necesaria para sus labores, informando á este gobno. sobre la manera en que crea debe verificarse el reparto y la forma en que deba establecerse el riego.

ARTO. 21°. El individuo que por dos años consecutivos acreditase ante el prefecto del distrito ser el mas laborioso ó industrioso del lugar, sera premiado con media suerte de tierra de las asignadas á las cabezas de familia. Este premio queda establecido para solo los dos primeros bienios.

ARTO. 22°. Los derechos comunes municipales que deberan pagar los nuevos pobladores seran los mismos que se acostumbran actualmente en la cabeza del distrito á donde queda sujeta la poblacion.

ARTO. 23°. El gobno. procurara de acuerdo con el Y. diocesano, el que á estos se les provea de parroco, que les ministre los auxilios espirituales.

ARTO. 24°. No pagaran diezmos por los frutos que levanten de las nuevas labores, segun lo establecido en esta parte por el derecho y lo que se pueda establecer en particular de anuencia con el mismo diocesano.

ARTO. 25°. Las obligaciones, derechos, y conceciones de que habla el presente reglamento deberan entenderse establecidas sin perjuicio de lo que se haya determinado sobre la materia por el reglamento para colonizar expedido en 24 de Setiembre de 1827 por el congreso del estado y las demas disposiciones vigentes.

Y habiendo sido de la aprobacion del exmo. sor gobernador el anterior reglamento ha tenido á bien aprobado provisionalmente, en cuya virtud me manda diga á V. S. como lo verifico que con presencia de lo que el previene y de las bases que consulta la E. Junta en su dictamen inserto, preceda V. S. á la adjudicacion de los terrenos que se pretenden ya establecer la poblacion con sujecion á las reglas que se señalan dando cuenta á este gobno., con lo que en consecuencia de esta resolución se practique.

Dios y L. Chihuahua, Julio 31 de 1840.

AMADO DE LA VEGA, [una rubrica]

SOR. PREFECTO del Distrito del Paso.

SECRETARIA DEL GOBIERNO DE CHIHUAHUA.

El actual E. S. Gobernador Don Francisco Garcia Conde, conocido desde su ingreso al gobno. lo conveniente y util, que seria á las fortunas de los Paseños el establecer y poblar el punto de Da. Ana que tenian solicitado algunos en representacion de 18 de Setiembre del año pasado, que se hallaba pendiente en esta secretaria, y por lo mismo tuvo el gusto

S. E. de librar en 31 del mes pasado, las ordenes necesarias á esa prefectura para que proceda á la mercenacion de dichos terrenos, y establecimiento de la poblacion con todos los requisitos que exigen las leyes. Todo lo que digo á V. S. de su orden y en contestacion á su oficio relativo de 8. del citado mes, en que acompaña nueva solicitud sobre el particular de los vecinos interesados de esa villa.

Dios y libertad, Agosto 5 de 1840.

AMADO DE LA VEGA, [una rubrica.]

SR. PREFECTO *del Paso.*

SECRETARIA DEL GOBIERNO DE CHIHUAHUA.

[Circular.]

Con fecha, 18 de Setiembre de 1839, ciento diez y seis vecinos de la villa del Paso se presentaron á este superior gobierno, por el conducto respectivo, solicitando se les adjudicasen los terrenos cultivables que existen en las margenes del rio Brabo, (distante diez ó doce leguas al noroeste del Paso,) en el punto vulgarmente conocido con el nombre de Ancon de Da. Ana. Este gobierno, en consideracion del laudable fin, que estos individuos se proponen atendiendo á las disposiciones vigentes, tanto generales como particulares que autorizan este genero de mercenaciones, conociendo que con este hecho se protege é impulsa el interesante ramo de la agricultura, una de las fuentes mas caudalosas de riqueza y publica prosperidad, y persuadido en fin de que por este medio muchos brasos que á consecuencia de nuestras, desgraciadas circunstancias de pobreza, de inutiles que son se tornaran en utiles y productivas, vino en concederles de acuerdo con la E. Junta Departamental la gracia que solicitaron. Al efecto este propio gobno. trato de establecer las bases en que debiera procederse á dicha adjudicacion, teniendo presente para hacerlo, que estas producirian un resultado, tanto mas satisfactorio, cuanto mas conexas estuvieran las conceciones y deberes que en ellas se impusiesen al cultivador con su interes particular, por cuyo motivo se concedio á los solicitantes para terrenos de labor la esclusiva propiedad de una caballeria de tierra á las cabezas de familia y la mitad á los que no lo fuesen, adjudicandoles á ambos el solar indispensable para morada en los egidos de la nueva poblacion que debe establecerse, igualmente se tuvo á la vista la mira de dejar abierto el campo necesario para la prosperidad de la colonia, y con esta tendencia se dispuso que todos los nacionales que en el termino de un año contado desde la fecha del establecimiento de esta, se presentasen al gobno. por el conducto correspondiente en solicitud de la misma gracia les fuese concedida con unas ligeras modificaciones, las cuales consisten en que estos individuos al entrar en posesion de la suerte de tierra que se les señale, tendran que satisfacer por solo una vez el cinco por ciento calculado sobre el valor de ellas, y que igualmente tendran que comprar por todo su valor el solar que pretendan en la poblacion, con el objeto de que tanto el primero de estos productos como el último sean destinados para fondos de propios y arbitrios de la misma. Y como este acontecimiento deba estar al alcance de todos los habitantes del departamento, el exmo. sr. gobernador ha dispuesto se circule este aviso con el fin indicado y con el de invitar á los C. C. pobres, honrados é industriosos que quieran establecerse en la nueva colonia, recordandoles aquella sabia maxima, “de que si la felicidad perpetua fuere compatible con la naturaleza humana, se le deberia buscar en el campo,” y la otra no menos sabia y mucho mas liberal que sirve de epigrafe á uno de nuestros modernos é ilustrados perolicos y dice, “de todo cuanto puede emprenderse ó buscarse en el mundo,

nada es mejor, nada mas util, nada mas dulce ni mas digno de un hombre libre, que la agricultura." Lo que tengo el honor de comunicar á V. S. por disposicion del E. S. gobernador para los fines consiguientes.

Dios y libertad, Chihuahua, Agos. 13 de 1841.

AMADO DE LA VEGA, [una rubrica.]

SR. PREFECTO del Paso.

En 24 de Agosto de 1841 se inserto en todo el distrito de mi mando.

#### SECRETARIA DEL GOBIERNO DE CHIHUAHUA.

Vistos por el E. S. gobernador la representacion de algunos vecinos del Senecú pidiendo las tierras de los naturales y el informe de V. S. en que manifiesta los justos derechos de estos, y los inconvenientes que resultarian accediendo á la solicitud de aquellos, se ha servido decretar de conformidad con el informe de V. S. preveniendome que al comunicarselo de encargo asegure en nonbre del gobierno á los representantes, que S. E. les proporcionara en el punto de Da. Ana todas las ventajas que desean.

Reitero á V. S. mi consideracion y aprecio.

Dios y libertad, Chihuahua, Diciembre 15 de 1840.

JUAN N. DE URQUIDI.

SR. PREFECTO del Paso.

*Sor Prefecto de este Distrito.*

Los C. C. que al calse se suscriben, vecinos de esta villa, ante V. S., con la sumicion y respeto debido comparecemos diciendo, que estando listos para marchar al punto de Da. Ana el 1º. del entrante mes, á ocuparnos de construir la asequia que facilite la agua suficiente al regadio de los terrenos de dicho punto que la bondad del supr. gobierno tuvo á bien concedernos con fecha 31, de Julio de 1840, para que lo colonizaramos, cuya empresa la guerra de los barbaros, y otras causas de no menos peso nos la habia embarazado, nos resta impetrar de su señoria nos otorgue el permiso para verificarlo, á este fin nos dirijimos por la presente, creidos ciertamente que se accedera á nuestro pedido, y que una empresa de tanta utilidad á la nacion y publica prosperidad de los empresarios. Por tanto, á V. S. rendidamente pedimos y suplicamos con el mas vivo encarecimiento se digne diferir á nuestra solicitud de lo que vecibiremos merced, gracia y justicia que impetramos.

Villa del Paso, Enero 26 de 1843.

Bernabed Montoya.

José Ma. Costales.

Cristobal Provencio.

Brigido Provencio.

Nazario Herrera.

Santos Avalos.

José Ynes Corona.

Gregorio Herrera.

Adanto Frujillo.

Esmerejildo Cano.

José Garcia.

José Biances.

Gregorio Davalos.

Jesus Olivares.

Jesus Cordoba.

Julio Madrid.

Bonifacio Armijo.

Ramon Dias de la Serna.

Eleuterio Perea.

Yrineo Lujan.

Rafael Provencio.

Francisco Tellez.

Felipe Herrera.

Perfecto Avalos.

Catarino Frujillo.

Jn. Frujillo.

José Ma. Rodrigues.

Pablo Melendres.

José Ma. Bernal.

José Ma. Cordoba.

José Antonio Gallegos.

Teodoso Zamora.

Esmerejildo Montoya.

Ynstrucciones á que debiera arreglarse D. Bernabé Montoya como encargado por esta prefa. para comandar la gente que el dia de hoy pasa al punto de la nueva poblacion de Da. Ana, con el fin de sacar la azequia madre; las cuales observara interin permanescan en fatiga en el citado punto de la manera siguiente:

1ª. Desde el momento en que emprenda su marcha de esta villa para el de Da. Ana cuidara de que la conducta camine bajo algun orden capaz de evitarle toda sorpresa desastroza por los enemigos.

2ª. Estando en le citado punto de Da. Ana cuidara así mismo que al distribuir los trabajos que va á emprender, sea bajo el pie de poder ser defendidos en casa de que sean atacados por los enemigos.

3ª. Esplorara con la mayor reflexion el punto por donde ha de sacar la azequia madre, con el fin de que al dar principio á su obra procure ganar todo el terreno que le sea posible, como que de ello depende la felicidad de la grande poblacion que con el tiempo debe formarse.

4ª. Dicha azequia madre debiera tener de anchor por ahora dos varas, ó dos y media, quedando á la voluntad del empresario darle el hondo que el terreno le permita, procurando siempre que se logren regar los que haya de mas altura.

5ª. Pendra especial cuidado de que la direccion de la referida azequia se conduzca á la parte mas inmediata de donde por altura del terreno ó firmeza de este, deba formarse el pueblo.

6ª. Cuidara de que los trabajadores que lo acompañan hagan sus fatigas con igualdad, que dando autorizado por esta prefectura para que imponga las penas que sean practicables atendidas las circunstancias de hallarse en el campo á los que lo desovedescan ó no cumplan con este precepto.

7ª. Como que las ocurrencias del campo son absolutamente incapaces de proveerse con esactitud, si no es con presencia de las circunstancias y lances que se presenten, la prefectura deja al arbitrio del insinuado Montoya que pueda dictar cuantas providencias jusque convenientes, con el justo fin de defenderse tanto el como sus subordinados á la vez, y de adelantar cuanto (antes) su capasidad le dicte á la benefica empresa que se pone á su cuidado y ninguno, se quien fuere faltara en nada á las ordenes y determinaciones del repetido Montoya, sopena de la responsabilidad que conforme á la naturaleza de la falta ó crimen, se le hara efectiva por esta prefectura previo aviso que en su regreso, ó desde aquel punto manifieste á dicha prefectura.

8ª. Si despues de estar en el punto de Da. Ana se le presentaren vecinos de esta villa ó de cualquiera otro pueblo, ya sea de este departamento ó de otro que pertenesca á nuestra república; con el fin de agregarse á la nueva poblacion, lo admitira anotando en una lista que llevara, los nombres, dia de su arribo y tierra á que pertenecen.

Paso, Febrero 2 de 1843.

*Exmo. Sr. Gobernador :*

Los que suscribimos vecinos de esta villa, y en la actualidad pobladores de la nueva colonia de Doña Ana, por gracia y merced de ese superior gobierno, ante V. E. con la sumicion y respecto debido comparecimos diciendo: que á consecuencia de ser muy corto el número de hombres que hemosido á emprender la toma de agua en el mencionado punto, por no habernos seguido todos los individuos que firmamos la representacion en que pedimos se nos permitiera colonizar el precitado punto, se nos han seguido ennumerables perjuicios de bastante consideracion, no siendo el menos el estar inconclusa dicha toma de agua



hasta el lugar que hemos destinado á proposito para hacer la poblacion y redicar nuestros terrenos de labor en esta virtud y creidos ciertamente en que V. E. nos ha de proteger hasta donde se lo permitan sus amplias facultades, á efecto de que llevemos al cabo una empresa de la mayor utilidad á la nacion y particular de nuestras personas, no podemos menos que recurrir á V. E. suplicandole con el mas vivo encarecimiento se digne concedernos los que solicitamos en los puntos siguientes:

1°. Que se nos auxilie con un destacamento de tropa para nuestro resguardo de personas é intereses.

2°. Que se nos franque repuesto de armas y parque.

3°. Que se escluya del servicio de armas en que esten comprometidos algunos de nuestros compañeros.

4°. Que se nos eceptue de las contribuciones que reportamos.

5°. Que se nos auxilie por lo pronto con diez hombres de cada partido por el término de ocho dias, para de este modo concluir la azequia ó se les obligue á todos los firmantes á que ocurran á ella hasta su conclusion.

6°. Que se nos de el reglamento á que debemos sugetarnos in nuestra nueva colonia, segun se nos ofrecio por el antecesor de V. E.

7°. Que si á V. E. se lo permitieren sus altas y duplicadas ocupaciones nos haga nos haga la gracia de ir á tomar conocimiento de nuestros terrenos para que se persuada de las ventajas que deben resultar á nuestro departamento con colonizarlos.

8°. Que si no podemos por la premura del tiempo concluir la azequia se nos permita ir á laboriar por este año en los terrenos que hemos ganado, sin perjuicio de que mande se haga el reparto de los terrenos, tomemos los que nos acomoden para poner nuestras fincas.

Esto es lo que pedimos y por lo tanto, á V. E. rendidamente suplicamos se digne deferir á ello, de lo cual recibiremos merced, gracia y justicia que impetramos, sirviéndose admitirnos esta representacion en el presente papel comun por no haber en la admon. de rentas de esta villa del sello que corresponde, sin perjuicio de su reposicion.

Villa del Paso, Abril 16 de 1843

José Maria Costales.  
Bernabe Montoya.  
Ramon Dias de la Serna.  
Pablo Melendres.  
Jesus Cordoba.  
José Ynes Corona.  
José Maria Rodrigues.  
Geronimo Lujan.  
Eleuterio Perea.  
José Antonio Gallego.  
Jesus Olivarez.  
José Maria Bernal.  
José Biances.

José Maria Sierra.  
Gregorio Davalos.  
José Maria Lujan.  
Timoteo Montoya.  
Pedro Aguirre.  
Pedro Trujillo.  
José Tajoya.  
José Maria Valencia.  
Julio Madrid.  
Theodocio Zamora.  
José Maria Cordoba.  
Felipe Madrid.  
Miguel Nevarez.

EXMO. SEÑOR: Los que firman y hacen cabeza en esta instancia se presentaron en Setiembre de 839, en union de otros vecinos de esta villa, á ese superior gobierno, por el conducto respectivo, solicitando se les adjudicasen los terrenos cultivables que existen en las margenes del rio Brabo, conocido con el nombre de Ancon de Doña Ana. Ese mismo gobierno les concedio de acuerdo con la E. Junta Departamental, la gracia que solicitaron en Julio de 840, y aunque desde este tiempo hubieran puesto en practica los empresarios sus fatigas al fin indicado lo embarazo



a continua y desastroza guerra en que se hallaban los Indios barbaros, y otras causas de no menos peso, que la miseria les causaba hasta que animados de una desicion, y aprovechandose de la paz que el año pasado se celebro con los que nos hostilizan, dirijieron á esta prefectura en 26 de Enero del corriente año nueva instancia en la que solicitan y les concedio en 2 de Fbro. ultimo, permiso para ocuparse en construir la azequia madre, que facilite la agua suficiente al regadio de los terrenos de dicho punto. Es verdad que los solicitadores todos no han ocurrido á la construccion de su azequia y solo lo ha verificado en numero de 18 por cuya razon paso á esponer mi concepto sobre los ocho puntos que abraza esta peticion de la manera siguiente:

En cuanto al primero parece que es escusable el destacamento por estar el departamento en paz y que el número de tropa que pudiera emplearse en aquel, sera mas util en otras fatigas del servicio.

Por lo que toca al 2º bien se podran facilitar once fuciles que estan prestados y pueden recogerse, pero sin parque alguno por no haberlo, sino es hechandose mano del que tienen los presidios.

Lo que solicitan en el tercero, todo se les puede conceder.

La pretencion que hacen en el 4º podra suceder cuando ya se pongan en posesion de sus terrenos pagando interinamente aquí las que les correspondan.

Por lo que toca á la pretencion del 5º parese una violencia la solicitud, pues á ningun pueblo se puede obligar preste servicio á otro.

La pretencion del 6º esta demarcado en los tramites que se corrieron para que el gobierno les concediese colonizar.

En cuanto al 7º en las altas prerogativas de V. E. esta el concederse los ó negarselos.

Por lo que toca al 8º estan reglamentadas las bases bajo que han de partir hasta su conclusion.

Es lo que puedo esponer en virtud de lo que aparece en la presente instancia mas. V. E. con su acreditado tino resolvera en el particular lo que estime conveniente.

Villa del Paso, 17 de Abril de 1843.

MAURICIO UGARTE, [una rubrica.]  
J. DOLORES MADRID, *Srio.*, [una rubrica.]

SRIA. DEL GOBIERNO DE CHIHUAHUA.

Deseando el exmo. señor gobernador, que sin perdida de tiempo se lleve á efecto la poblacion del ancon denominado del Doña Ana, con vista del espediente de la materia que V. S., me acompaña en su nota de hoy ha dispuesto S. E. que se observe en este negocio el reglamento espedido en 31 de Julio de 1840, y corre en el referido espediente que devuelvo á V. S. pues el comprende lo necesario para que esa prefectura obre en este asunto con la certeza debida y por tanto quiere S. E. que desde luego dicte V. S. las ordenes convenientes á fin de que la poblacion de Da. Ana tenga el impulso necesario. Por lo que respecta á la solicitud que ultimamente han dirijido á S. E. algunos de los pobladores del mencionado punto que se ha agregado á el espediente dispone el exmo. señor gobernador se diga á V. S. como lo hago que ya por la comandancia general se dictaran las providencias convenientes á fin de proporcionarles algun destacamento, armas, y municiones que solicitan; que los pobladares de Da. Ana quedan eceptuados del servicio de armas, pues este solo lo prestara en su pueblo de la manera que sea necesario; que no se les puede eximir del pago de contribuciones, por que estas son impuestas por el supremo gobierno cuyas disposiciones no

puede alterar el exmo. señor gobernador que tampoco puede acceder al pedido de vecinos de otros pueblos que hacen para la construccion de la azequia, por que estos trabajos son esclusivos de los pobladores, quienes solamente disfrutan de los beneficios de la ley; que llamando la atencion de S. E. en Chihuahua negocios nrgentes, no puede aunque lo desea pasar personalmente á el terreno que debe poblarse como lo hara en otra vez que visite esta frontera; y por ultimo que se les concede á los que subscriben la mencionada solicitud con los demas que se hallan en su caso labrar los terrenos que piden por este año interin se les reparten sus propiedades con sugesion á el reglamento citado y leyes de la materia. S. E. espera que V. S. con la actividad que le es caracteristica obrara en este negocio hasta superar los inconvenientes que se presentan para que la poblacion de Da. Ana tenga efecto, á cuyo fin igualmente quiere el exmo. señor gobernador que V. S. haga publicar esta disposicion y mandar se ponga en conocimiento de los interesados dando cuenta V. S. á este gobierno de todos los resultados en este negocio.

Dios y libertad, Villa del Paso, Abril 19 de 1843.

JUAN N. BARCENAS, *Srio.*, [una rubrica.]

SEÑOR PREFECTO *de esta Villa.*

#### SRIA. DE GOBIERNO DE CHIHUAHUA.

SECCION 1ª. Deseando saber el exmo. señor gobernador cual sea el estado que guarda hoy dia la poblacion del ancon denominado de Doña Ana cuyo negocio recomendo á V. S. este gobierno en orden que le comuniqué con fecha 19 de Abril ultimo me manda pedir á V. S. informe sobre este particular y en cumplimiento de su orden lo manifiesto á V. S. para los fines consiguientes.

Dios y libertad, Chihuahua, Agosto 14 de 1843.

JUAN N. BARCENAS.

SEÑOR PREFECTO *del Destrito del Paso.*

EXMO. SEÑOR: El Ancon de Doña Ana existe hasta hoy poblado con 14 moradores que han sido los primeros pobladores, estos arrostrando peligros y afanes han logrado una regular cosecha de mais de poco mas y menos de cien carretas que hacen mil doscientas fanegas y otras miesas como frijol, algodón, otras legumbres, &c. La constancia de estos individuos en no abandonar la empresa viendose bien á menudo con el riesgo de perder su vida por los repetidos amagos de los Apaches como se seccionara V. E., por la adjunta deposicion vertida por el C. Lorenzo Provencio, los hace acreedores á la paternal consideracion de ese superior gobierno recabando consecuencia de la comandancia general un destacamento de tropa mas respetable que el que á la fecha existe pues al abrigo de este continuaran y adelantaran con mas tranquilidad sus trabajos aquellos habitantes así como ser progresivo el aumento de pobladores que se hallan retraidos de verificarlos por el temor fundado de sufrir una agrecion que por si no podran resistir de los Apaches ó Comanches. Si V. E. en cuyas superiores manos se haya el tener la dignacion de disponer el aumento del destacamento anunciado y el prover de armas y municiones á los nuevos pobladores, esta prefectura sin equivocarse puede asegurarle segun los deseos que observa en muchas personas de ser moradores de Doña Ana que á la vuelta de un par de años sera una poblacion que por si hara respetar de las naciones que hoy teme. Es lo que en el particular puedo informar V. E. para su superior conocimiento y ulteriores disposiciones. Saquese copia de la superior antecedente orden y de este informe para que obre en

este archivo, dirijiendose el original al señor srio. de su origen para que S. S. se sirva ponerlo en el superior conocimiento del excelentísimo señor gobernador.

Villa del Paso, 30 Octubre de 1843.

JOAQUIN VELARDE.

JOSÉ DOLORES MADRID, *Srio.*

Es copia.

Paso, Octubre 30 de 1843.

JOSÉ DOLORES MADRID, *Srio.*, [una rubrica.]

Un sello, sello 40, dos reales, años de 1844 y 1845.

*Señor Prefecto del Distrito del Paso :*

Los que suscriben como nuevos pobladores de esta colonia, por concecion que de ella nos hizo el supremo gobierno, ante V. S. con la sumision y respeto debidos comparecemos diciendo: que hallandonos en el terreno con todo lo necesario para comenzar á laboriar impetramos de su autoridad con el mas vivo encarecimiento se digne tener la bondad de venir á repartirnos los terrenos que á cada uno nos corresponden, en obvio de los perjuicios que se nos siguen de dejar pasar el tiempo propio para la siembras de trigo, pues aunque no hemos concluido la azequia hasta el punto en donde debe ser, jugamos que dentro de cinco ó seis dias debemos verificarlo segun el número de operarios que tenemos en el trabajo; portanto, á V. S. rendidamente pedimos y suplicamos se sirva diferir á nuestra solicitud persuadido que la necesidad de tener á la vez en esta poblacion la bueyada necesaria y peones suficientes para maniobrar, nos hace molestar la ocupada atencion de S. Sa. con la justicia que impetramos. Juramos no ser de malicia y lo necesario, &c.

Sta. Maria de Da. Ana, Enero 9 de 1844.

José Ma. Costales.

Cornelio Dias.

Juan Maese.

Timoteo Montoya.

Victor Minjares.

José Ma. Perea.

José Antonio Provencio.

Merced Red.

Luciano Red.

José Ma. Flores.

Gregorio Montoya.

Jesus Provencio.

Manuel Provencio.

Gabriel Avalos.

Esmeregildo Montoya.

José Ma. Barrera.

Reyes Perea.

Blas Provencio.

Manuel Padilla.

Gregorio Davalos.

Cristobal Provencio.

Matilde Brusuelas.

José Apodaca.

José Bñanes.

Vicente García.

Geronimo Lujan.

Fernando Provencio.

Juan Lucero.

Felipe Madrid.

S. Ex. 43—3

Julio Madrid.

Lorénzo Baliseno.

Gregorio Brusuelas.

Monico Benavides.

Ramon Dias de la Serna.

José Maria Bernal.

José Peres.

José Luis Madrid.

José Ma. Rodrigues.

Eleuterio Perea.

Jesus Giles.

Dionicio Alvarado.

Ysidoro Eujan.

Antonio Gallegos.

Por mihijo Canuto, Dionicio Alvarado.

Por ausencia de Jesus Olivares, Cornelio Dias.

Agapito Vargas.

Por ausencia de Casildo del Prado, Ramon Dias de la Serna.

Cruz Manriques.

Anastacio Minjs.

Francisco Rodrigz.

Teodoro Zamora.

Poiinario Perea.

Juan José Benavides.

José Antonio Perea.

VILLA DEL PASO, *Enero 10 de 1844.*

Agregese esta solicitud al espediente sobre colonizacion de Da. Ana, y fíyense carteles avisandose para conocimiento del publico y de los interesados, que el quince ó 16 del corriente empendere mi marcha á verificar el repartimento de terrenos, conforme á lo dispuesto por el superior Gobierno del departamento.

REY, [una rubrica.]  
J. DOLORES MADRID, *Sro.*, [una rubrica.]

VILLA DEL PASO, *Enero 16 de 1844.*

Habiendo ya en el ancon de Da. Ana algunos vecinos de los que han solicitado poblarlo, y solicitando estos se les haga cuanto antes la adjudicacion de terrenos que les esta concedida, cumplase por mi el prefecto del distrito del Paso Dn. Antonio Rey en todas sus partes lo prevenido por el supr. gobno. del departamto. en el reglamento que antecede unido al espediente de la materia.

REY, [una rubrica.]  
J. DOLORES MADRID, *Srio.*, [Una rubrica.]

ANCON DE DA. ANA, *19 de Enero de 1844.*

Hallandose con orden del supor. gobno. para hacer el repartimiento de terrenos que se ha concedido á los nuevos pobladores de este punto, sitense á los interesados para que comparéscan como colindantes el día de hoy en que deben comensar las medidas.

REY, [una rubrica.]  
J. DOLORES MADRID, *Srio.*, [una rubrica.]

*Plano que demuestra la dimencion de la area que contiene los suertes de tierra que se han repartido á los nuevos pobladores del Ancon de Da. Ana.*

Oriente, 14,192.

69		68	67		66		65	64	63	62	61	60					
C	a	m	i	n	o		N	a	c	i	o	n	a	l			
1	2																
	3	5	7	9	12	15	18	21	25	29	33	37	41	45	49	53	57
	4	6	8	10	13	16	19	22	26	30	34	38	42	46	50	54	58
																	59
					11	14	17	20	23	27	31	35	39	43	47	51	55
									24	28	32	36	40	44	48	52	56

Poniente, 14,192.

Un sello, sello 5º, medio real, años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

*Lista de las suertes de terrenos repartidos á los pobladores del Ancon de Da. Ana por el prefto. D. Antonio Rey, con el número de suertes que cada uno tiene.*

No.		No.	No.		No.
1	D. José Ma. Costales.....	9	35	D. Apolinario Perea.....	20
2	D. Pablo Melendres.....	12	36	D. Agaton Selso.....	17
3	D. Geronimo Lujan.....	15	37	Dn. Juan Lucero.....	30
4	D. Anto. Gallegos.....	18	38	D. Jesus Provencio.....	8
5	D. José Ma. Rodrigues.....	10	39	D. José Apodaca.....	26
6	D. Eleuterio Perea.....	13	40	D. José Luis Madrid.....	3
7	D. Julio Madrid.....	16	41	D. Guadalupe Miranda.....	33
8	D. Gregorio Davalos.....	19	42	D. Dolores Madrid.....	41
9	D. Ramon Serna.....	2	43	D. Ermeregildo Montoya.....	61
10	D. Jesus Olivares.....	1	44	D. José Ma. Barrio.....	62
11	D. José Ma. Bernal.....	69	45	D. Estanislao Bernal.....	60
12	D. Crus Perea.....	68	46	D. Dolores Perez.....	40
13	D. Ynes Garcia.....	64	47	D. José Perez.....	40
14	D. Caseldo Prado.....	65	48	D. Fernando Provencio.....	28
15	D. Bernabe Montoya.....	21	49	D. José Reyes Perea.....	63
16	D. Jesus Cordoba.....	22	50	D. Vicente Garcia.....	36
17	D. Lorenzo Balisano.....	25	51	D. Juan Ma. Flores.....	24
18	D. Juan Maese.....	34	52	D. Rafael Provencio.....	56
19	D. Juan Jose Benavides.....	5	53	D. Longino Avalos.....	59
20	D. Monica Benavides.....	58	54	D. Florencio Benavides.....	37
21	D. Anto. J. Apodaca.....	45	55	D. Manuel Provencio.....	49
22	D. Ysidro Armijo.....	23	56	D. Blas Provencio.....	38
23	D. Cornelio Dias.....	7	57	D. José Antonio Provencio.....	52
24	D. Victor Minjares.....	27	58	D. Gabriel Avalos.....	35
25	D. Gregorio Montoya.....	46	59	D. Guillermo Varela.....	53
26	D. Cosme Zamora.....	43	60	Dn. José Rael.....	42
27	D. Teodocio Zamora.....	54	61	D. Ramon Cordoba.....	51
28	D. Gregorio Brusuelas.....	55	62	D. Casimiro Aguirre.....	6
29	D. Agapito Vargas.....	11	63	D. Victoriano Sanchez.....	47
30	D. Manuel Padilla.....	50	64	D. Onofre Varela.....	57
31	D. Luciano Rad.....	39	65	D. Felipe Madrid.....	32
32	D. Francisco Lucero.....	31	66	D. Marcos Benavides.....	67
33	D. Cristobal Provencio.....	14	67	D. Apolinario Varela.....	66
34	D. Timoteo Montaya.....	29	68	D. Jesus Guiles.....	44

Doña Ana, Enero 24 de 1844.

ANTONIO REY,  
J. DOLORES MADRID, *Srio.*, [una rubrica.]

*Nombramiento de juez de paz.*

Usando de la facultad que me concede lay ley de 20 de Marzo de 837 y el superior gobierno en el reglamento que aprobo en 31 de Julio de 1840, para colonizar este punto he nombrado á U. juez de paz de esta nueva poblacion, á fin de que desde luego que posecionado de este destino, se presentara ahora mismo á prestar el juramento correspondiente.

Dios y libertad, Doña Ana, Enero 25 de 1844.

ANTONIO REY.

Señores jueces de paz, D. PABLO, MELENDRES y D. JOSÉ MA. COSTALES.

Es copia. Paso, Enero 25 de 1844.

JOSÉ DOLORES MADRID, [una rubrica,] *Srio.*

*Señores jueces de paz y vecinos de este punto :*

Encargado por el exmo. sor. gobernador del departamento para el establecimiento y arreglo de esta nueva poblacion hago saber á U. U. que estando resuelto que el repartimiento de tierras se haga á los nuevos pobladores de este basto ancon, paraje muy futil y ventajoso por susproporciones para el laborio he demarcado en el 69 suertes de tierra, 47 de 780½ varas de longitude y otras tantas de latitud para los que sean cabezas de familia; y para los que no lo son 22 de la misma longitud,

y 390 y  $\frac{1}{4}$  varas de latitud, señaladas con estacadas donde los dueños deberan poner las mohoneras correspondientes que determinan las leyes pues en el día de hoy seran repartidas con arreglo á lo que se me ha ordenado advirtiendo que aquellas comienzan por el rumbo del norte desde poco mas acá de un alamo coposo que dista 790 varas de donde hoy se hayan las casas en el intermedio de estas á la boca ázequia, y por el sur llegan de aquel lado de las cruces cosa de treinta varas mas acá del alamo de limon, sus medidas es imposible que esten completamente exsactas tanto por las montañas, y alturas de tan inmensa estencion quanto por la falta de instrumentos, pero creo suficiente que se sepa el número de varas que á cada uno corresponde y el punto de donde parten las medidas. En la boca-ezequia, aunque hasta hoy no amenaza peligro, es necesario para mayor seguridad una estacada comitente que oportunamente podra hacerse, y desde allí debiera abrirse la azequia con el ancho de tres varas cuadradas para que entre el agua suficiente para regar las labores de la derecha y las de la izquierda sin perjuicio de la que debe dirigirse al pueblo á cuyo efecto el repartidor de la azequia madre sera en el intermedio de estas varracas á la boca-azequia en el punto mas á proposito para que el agua tome bien sus direcciones. Para formar la poblacion que señalado una altura que aunque no satisface completamente mi deseo por las circunstancias, parece hoy el punto mas á proposito, tiene regular vista domina una gran parte de las labores y me prometo que sus habitantes disfrutaran siempre de la mejor salubridad. Cualquiera empresa en sus principios por pequeña que sea presenta grandes dificultades, pero los hombres trabajadores á industriosos todas las vencen con el tiempo y la constancia, cuando se persuaden de que al fin veran logrado el fruto de sus afanes entrando al gose de las comodidades que hacen la vida feliz, y de que no pueden disfrutar los que no teniendo ningunos bienes ni propiedad se ven esclavisados para poder ganar el preciso sustento para vivir. Los terrenos repartidos son fertiles por su naturaleza y suceptibles de muchas ventajas en la agricultura. El supremo gobierno los ha cedido con una liberalidad que vosotros mismos habeis admitido fundados en que por la pobreza les sera imposible cultivar, y á U. U. toca reanimarse y aprovecharlos despreciando esa hidra con la de que los mismos sacrificios se han hecho en todas las colonias que hoy son ciudades.

Nueva poblacion de Doña Ana, Enero 25 de 1844.

ANTONIO REY.

J. DOLORES MARDID, *Srio.*

El ciudadano Antonio Rey, prefecto de distrito del Paso, en el ancon de Doña Ana, á 25 de Enero de 1844, habiendo recibido la contestacion de los jueces de paz, propietario y suplente, que van agregados á estas diligencias, pasese por mí al señalamiento de jurisdiccion y en consecuencia usando de la facultad que me tiene concedida el exmo. sor. gobor. señalo de jurisdiccion á esta nueva poblacion de Da. Ana, dos mil quinientas varas por el rumbo del norte y otras tantas al sur, mil doscienta cincuenta al oriente é igual número al poniente, contando desde el centro de la plaza principal señalada á dicha poblacion, y para que conste lo firmo con mi srio.

ANTONIO REY,

J. DOLORES MADRID, *So.*, [una rubrica.]

En el ancon de Da. Ana, á 25 de Enero de 1844, yo, el prefecto del distrito del Paso, D. Antonio Rey, con arreglo á lo dispuesto en el arto. 3º del reglamento espedido para el arreglo de esta nueva poblacion



señalo por egidos de ella una area de dos mil quinientas varas de longitud y mil doscientas cincuenta de latitud medidas desde el centro de la que debe ser plaza pral., y para que conste lo firmo con mi srio.

ANTONIO REY, [una rubrica.]  
J. DOLORES MADRID, *Srio.*, [una rubrica.]

En Doña Ana, á 25 de Enero de 1844, yo, D. Antonio Rey, prefecto del distrito del Paso, consecuente á lacomision con que me hayo del exmo. sr. gobernador del departamento, procedase por mi al repartimiento de terrenos y solares de los pobladores que solicitan establecerse y avecindarse en esta nueva poblacion estendiendoseles los títulos correspondientes; así lo probe, mande, y firme con mi srio.

ANTONIO REY, [una rubrica.]  
J. DOLORES MADRID, *Srio.*, [una rubrica.]

En el punto de Doña Ana, á 25 de Enero de 1844, yo, D. Antonio Rey, prefecto del distrito del Paso, comisionado por el exmo. sor. gobernador del departamento para la formacion de este nuevo pueblo y repartimiento de tierras y solares á todos los que en el se avecindasen debiendo señalar terreno en que se fabrique la yglecia, casa donde viva el cura parroco y casas consistoriales, señalo conforme al arto. 5° del reglamento de 31 de Julio de 1840, una cuodra de cien varas de longitud, y cincuenta de latitud para que se fabrique dichos edificios, cuya cuadra esta situada en la plaza en el frente que mira al sur siendo sus linderos por los cuatro vientos en las calles publicas de esta poblacion, y para que conste lo firmo con mi secretario.

ANTONIO REY, [una rubrica.]  
J. DOLORES MADRID, *So.*, [una rubrica.]

#### JUSGADO DE PAZ DE DOÑA ANA.

Por la nota de V. S. fecha de ayer me he impuesto del nombramiento de juez de paz que ha hecho en mi persona para este punto; y respetando el precepto de la ley, á pesar de mi notoria insuficencia, me esforcare en obsequiar su cumplimiento. Esta ocacion me proporciona la de encarecer á V. S. las consideraciones de mi aprecio.

Dios y libertad, Doña Ana, Enero 26 de 1844.

PABLO MELENDRES, [una rubrica.]

SEÑOR PREFECTO *del Distrito en la Villa del Paso.*

#### JUZGADO SUPLENTE DE PAZ EN DOÑA ANA.

Por la nota de V. S. fecha de ayer me he impuesto del nombramiento que ha hecho en mi persona y respetando el precepto de la ley á pesar de mi insuficencia me esforcare en obsequiar su cumplimiento. Esta ocacion me proporciona el placer de protestar á V. S. las seguridades de mi aprecio.

Dios y libertad, Doña Ana, Enero 26 de 1844.

JOSÉ MARIA COSTALES,  
*Sor. Prefecto del Distrito en la Villa del Paso.*

En Doña Ana, á 26 de Enero de 1844, yo, D. Antonio Rey, prefecto del distrito del Paso, habiendo concluido la comision que se me tiene conferida por el superior gobierno del departamento, para la ereccion de la nueva poblacion de Doña Ana, formacion de su gobierno municipal, señalamiento de su termino á jurisdiccion, y repartimiento de sus tierras

y solares, entre los pobladores que los pretendiesen para establecerse y vivir en ellos dispuse se agreguen al padron de habitantes que se ha formado, y que sacandose un testimonio de todas las diligencias que he practicado en dicho establecimiento se pasen al juez que corresponde con oficio, para que archivandolo conste en todo tiempo el señalamiento de terrenos, jurisdiccion, tierras, y solares que he hecho, remitiendo este espediente original al exmo. sor. gobernador para su superior conocimiento; así lo provei, mande, y firme con mi srio.

ANTONIO REY.

J. DOLORES MADRID, *Srio.*, [una rubrica.]

DEPARTAMENTO DE CHIHUAHUA.

*Nueva poblacion de Doña Ana.*

Padron de los vecinos estantes y habitantes que hay en esta nueva poblacion :

Númo., Estados, Edades : 1, D. José Maria Costales, juez suplente, casado, 48 años; su esposa, Nicolaza Ledesma, idem, 25 años; hijos, Ma. Isabel Costales, soltera, 19; Yrineo, Ydem, idem, 15; Longino, Ydem, idem, 12; Ma. del Carmen, idem idem, 9. 2, D. Pablo Melendres, juez propietario, casado, 47; su esposa, Guadalupe Horcacitas, idem, 30; sus hijos, Trinidad Melendres, soltera, 11; Jesus Melendres, idem, 9; Pablo, Ydem, idem, 8; Josefa, Ydem, idem, 6; Antonio, Ydem, idem, 4; Liberato, Ydem, idem, 2. 3, D. Geronimo Lujan, casado, 45; su esposa, Guadalupe Valencia, idem, 40; sus hijos, José Ma. Lujan, soltero, 21; Ysidoro, Ydem, idem, 18; Rumaldo, Ydem, idem, 15; Juliana, Ydem, idem, 17; Ma. de Jesus, Ydem, idem, 5; Julianita, Ydem, idem, 9; Quirina, Ydem, idem, 14; Servulo, Ydem, idem, 2. 4, D. Leuterio Perea, casado, 52; su esposa, Ramona Avalos, idem, 40; sus hijos, José Antonio Perea, soltero, 19; José Ma., Ydem, idem, 17. 5, D. Antonio Gallegos, casado, 40; su esposa, Leogarda Colmenero, Ydem, 30; sus hijos, Jesus Ma. Gallegos, soltero, 16; José Ygnacio, Ydem, idem, 14; Marcelino Gallegos, soltero, 9; José de la Luz, Ydem, 7; José Luis, Ydem, 5; José Pablo, Ydem, idem, 4; Ma. del Refugio Ydem, idem, 12; Ma. Luisa Ydem, idem, 10; Rosa Maria Ydem, idem, 2. 6, D. Bernabé Montoya, viudo, 60; sus hijos, Bautista Montoya, Soltero, 30; Miguel, Ydem, idem, 27; Guillermo, Ydem, idem, 24. 7, D. José Ma. Rodríguez, casado, 35; su esposa, Ma. Josefa Perea, idem, 30; sus hijos, Francisco Rodríguez, soltero, 18; José Angel, Ydem, idem, 10; Refugio, Ydem, idem, 8; Cipriano, Ydem, idem, 5. 8, D. José Ynes Corono, viudo, 40. 9, D. Jesus Olivares, viudo, 35. 10, D. Ramon Serna, soltero 35. 11, D. Casildo Prado, Ydem, 20. 12, D. Cruz Manriquez, soltero, 16. 13, D. Julio Madrid, casado, 56; su esposa, Magdalena Alvimar, casada, 25; sus hijos, Andres Madrid, soltero, 17; Manuel Madrid, idem, 9; Nicolas, Ydem, idem, 12; Felix, Ydem, idem, 6; José, Ydem, idem, 5; Florencio, Ydem, idem, 2. 14, D. José Ma. Bernal, casado, 31; su esposa, Barbara Aguirre, idem, 25. 15, D. Gregorio Davalos, casado, 45; su esposa, Guadalupe Trujillo, idem, 39; sus hijos, Luciano Davalos, soltero, 19; Josefa, Ydem, idem, 7; Rafaela Trujillo, viuda, 48; Ma. Josefa Valencia, soltera, 6. 16, D. Juan José Benavides, viudo, 46; Mariano, Ydem, soltero, 14; Ysabel, Ydem, idem, 10; Mauricio, Ydem, idem, 6; Lazaro, Ydem, idem, 5. 17, D. Manuel Provencio, casado, 28; su esposa, Ma. Josefa Aguiar, idem, 22; su hijo, Feliciano Renteria, soltera, 14. 18, D. Blas Provencio, casado, 30; su esposa, Ma. Manuela Martinez, idem, 28; sus hijos, Juan Provencio, soltero, 5; Catarina, id., 1; Marcela, Ydem, idem, 30; Polonio Varela, idem, 19; Marcos, Ydem, idem,



15; Jesus, Ydem, idem, 11; Luis, Ydem, idem, 9. 19, D. José Antonio Provencio, soltero, 30; Jesus, Ydem, idem, 15; Felipe, Ydem, idem, 10. 20, D. Cristobal Provencio, casado, 36; su esposa, Nicolas Benavides, idem, 28; sus hijos, Juan Pablo Provencio, soltero, 8; Severian Garcia, idem, 9; Josefa Garcia, idem, 4; Josefa, Ydem, idem, 3. 21, D. Gabriel Avalos, casado, 27; su esposa, Jacinta Blanco, idem, 20. 22, D. Juan Lucero, viudo, 57; su hijo, Jesus, Ydem, soltero, 16. 23, D. Gregorio Montoya, casado, 30; su esposa, Josefa Vargas, idem, 25; sus hijos, Margarita Montoya, soltera, 8; Refugi, Ydem, idem, 2; Ermerejeldo, Ydem, idem, 25. 24, D. Luciano Rael, casado, 25; su esposa, Damiana Alvililar, idem, 20; su hija, Ma. Encarnacion Rael, soltera, 1. 26, D. Manuel Padilla, casado, 30; su esposa, Micaela Yrigoyen, id., 26; sus hijos, Josefa Padilla, soltera, 10; Agustin, Ydem, idem, 6; Santos, Ydem, idem, 4. 26, D. Monico Benavides, casado, 22; su esposa, Quirina Mauriguez, idem, 16; sus hijos, Agustina Benavides, soltera, 3; Longino Avalos, idem, 16. 27, D. José Apodaca, casado, 30; su esposa, Josefa Zamora, idem, 25; sus, Canuto Apodaca, soltero, 4; José Apodaca, idem, 3; Canuto Ydem, idem, 2; Felix Ydem, idem, 1; 28 Dn. Apolinario Perea, casado, 25; su esposa, Florencia Montoya, idem, 16. 29, D. José Provencio, casado, 32; su esposa, Francisca Martinez, idem, 19; su hijo, Teodocio Provencio, soltero, 6. 30, D. Francisco Lucero, casado, 36; su esposa, Simona Hidalgo, idem, 29; su hija, Clara Lucera, soltera, 13. 31, D. José Ma. Barrio, soltero, 19. 32, D. Gregorio Brusuelas, casado, 52; su esposa, Alvina Carbajal, idem, 35; su hijo, Matilde Brusuelas, soltero, 23; Crisanto Carbajal, idem, 10. 33, D. Estanislao Bernal, soltero, 18. 34, D. Vicente Garcia, soltero, 25; su hijo, Jesus Garcia, idem, 5. 35, D. Agaton Silva, casado, 26; su esposa Felipa Madrid, idem, 23; su hija, Gorgonia Silva, soltera, 3. 36, D. Teodoso Samora, casado, 33; su esposa, Juana Alvililar, idem, 24; Juan Lucero, soltero, 16. 37, Dn. José Ma. Flores, soltero, 24. 38, D. Jesus Giulio, soltero, 24; Jesus Perea, idem, 7. 39, D. Fernando Provencio, soltero, 20; Navora Velarde, viuda, 30. 40, D. José Ma. Varela, soltero, 23. 41, D. Guillermo, Ydem, casado, 50; su esposa, Tomasa Herrera, idem, 30; sus hijos, Lorenzo Varela, soltero, 20; Silvano, Ydem, idem, 16; Carmen, idem, 12; Rosa, Ydem, idem. 42, D. Timoteo Montoya, casado, 43; su esposa, Juliana Zuaro, idem, 38; su hija, Eulogia Montoya, soltera, 12. 43, D. José Rael, casado, 26; su esposa, Manuela Hidalgo, idem, 20; sus hijos, José Ponceano Rael, soltero, 2; Francisco Rael, Ydem, 1. 44, D. José Luis Madrid, casado, 45; su esposa, Ma. Candelaria Sanches, idem, 35; sus hijos, Ma. de los Angeles Madrid, soltero, 15; José Ysidoro, Ydem, idem, 13; Maria Nicolaza, idem, idem, 10; Maria Petra Ydem, idem, 7; Ma. Francisca, Ydem, idem, 4. 45, D. José Dolores Madrid, casado 46; su esposa, Rafaela Moreno, idem, 30; sus hijos, Bartolo Madrid, soltero, 22; Dolores, Ydem, idem, 18; Agapito, Ydem, idem, 15. 46, D. José Reyes Perea, soltero, 35. 47, D. Guadalupe Miranda, casado, 33; su esposa, Francisca Rascon, idem, 32; sus hijos, Pablo Miranda, soltero, 12; Carmen, Ydem, idem, 10; Octaviano, Ydem, idem, 9; Ynes, Ydem, idem, 7; Refugio, Ydem, idem, 5; Petra, Ydem, idem, 3; Elena, Ydem, idem, 1; Vicenta Ortega, viuda, 30. 48, D. José Perea, soltero, 15. 49, D. Desiderio Armijo, casado, 26; su esposa, Catarina Montoya, idem, 19. 50, D. Victor Menjares, casado, 30; su esposa, Josefa Herrera, idem, 22; sus hijos, José Menjares, soltero, 8; Polonia, Ydem, idem, 6; Nestora, Ydem, idem, 3. 51, D. Jesus Cordoba, casado, 35; su esposa, Josefa Escontrias, idem, 33; sus hijos, Antonio Cordoba, soltero, 13; Dolores, Ydem, idem, 12; Jesus, Ydem, idem, 10; Felix, Ydem, idem, 9; Cresencio, Ydem, idem, 7; Braulio, Ydem, idem, 1; Nepomuceno, Ydem, idem, 3. 52, D. Antonio José Apodaca, casado, 25; su esposa Ramona Armendariz, idem, 21; sus hijos, Jesus

Apodaca, soltero, 3; D. Cristobal, Ydem, idem, 1. 53, D. Jesus Provencio, casado, 25; su esposa, Refugio Morales, idem, 23; sus hijos, Ventura Provencio, soltero, 3; Gumecendo, Ydem, idem, 1. 54, D. Ramon Cordova, casado, 25; su esposa, Altagracia Garcia, idem, 24; sus hijos, José Cordoba, soltero, 4; Juana, Ydem, idem, 3. 55, D. Casimiro Aguirre, casado, 38; su esposa, Petra Gonzalez, idem, 26; sus hijos, Maria Lucia Aguirre, soltera, 12; Josefa, Ydem, idem, 10; Jesus, Ydem, idem, 8; Pedro, Ydem, 6. 56, D. Juan Maese, casado, 45; su esposa, Trinidad Cordoba, idem, 23; sus hijos, Lorenza Maese, soltera, 21; Francisco, Ydem, idem, 15; Josefa, Ydem, idem, 11. 57, D. Cornelio Dias, casado, 36; su esposa, Rosa Contreras, idem, 33; sus hijos, Miguel Dias, soltero, 14; Lorenza, Ydem, idem, 12; Gorgonio, Ydem, idem, 10; Guadalupe, Ydem, idem, 8; Francisca, Ydem, idem, 6; Evangelista, Ydem, 4; Silvestre, Ydem, idem, 2. 58, D. Dolores Perea, soltero, 18; Guadalupe Perea, idem, 38. 59, D. Victoriano Sanches, casado, 26; su esposa, Maria Petra Apodaca, idem, 24; su hijo, Pablo Sanchez, soltero, 4. 60, D. Onofre Varela, casado, 21; su esposa, Quirina Apodaca, idem, 18; su hijo, Aristee Varela, soltero, 20. 61, D. Felipe Madrid, soltero, 21. 62, D. Rafael Provencio, soltero, 20. 63, D. Lorenzo Balisan, casado, 50; su esposa, Josefa Vianes, idem, 13; sus hijos, Dolores Balisan, soltero, 19; José Ma, Ydem, idem, 17; José Dario, Ydem, idem, 15. 64, D. Marcos Benavides, soltero, 18. 65, D. Cosme Zamao, casado, 60; su esposa, Marcelina del Villar, idem, 30; sus hijos, Ventura, Zamora, soltero, 25; Ma, Eusebia Salazar, idem, 15. 66, D. Agapito Vargas, casado, 28; su esposa, Faustina Lopez, idem, 20; sus hijos, Teodocio Vargas, soltero, 2; Ma, Gerarda, Ydem, idem, 1. 67, D. Apolonio Varela, soltero, 18.

Ancon de Doña Ana, Enero 25 de 1844.

ANTONIA REY, [una rubrica.]  
J. DOLORES MADRID, So., [una rubrica.]

DEPARTAMENTO DE CHIHUAHUA,  
*Jurisdiccion del pueblo de Doña Ana.*

*Estado que manifiesta el número de habitantes que hay en esta nueva poblacion de Doña Ana su distincion de clases y estados de ambos sexos con inclusion de los parbulos.*

	Hombres.	Mujeres.	Niños.	Niñas.
Resumen general de vecinos .....	107	59	48	47
Ydem Yndios.....	0	0	0	0
Totales .....	107	59	48	47
Resumen general de casados.....	44	44	.....	.....
Ydem de viudos.....	5	.....	.....	.....
Ydem de solteros.....	58	15	.....	.....
Totales .....	107	59	48	47

Nueva poblacion de Doña Ana, fecha ut supra.

ANTONIO REY, [una rubrica.]  
J. DOLORES MADRID, So., [una rubrica.]

PREFECTURA DEL DISTRITO DEL PASO DEL NORTE.

A virtud de la representacion que consta de la foja 24 á la 25 de este expediente, suscrito por cincuenta y cinco vecinos, y de las respetables ordenes del superior gobierno para que cuanto antes se procurase hacer

efectiva la poblacion de Doña Ana, me vi obligado á presentarme en aquel punto para hacer la adjudicacion de terrenos para que estaba comisionado como prefecto del distrito. Á mi llegada hice reunir á los pobladores, los impuse del reglamento sobre la materia, aprobado por el exmo. señor gobernador, y de las demas resoluciones de colonizacion, se formo el padron de habitantes y tomado este por bace, procedi á las medidas, repartimiento de tierras y demas operaciones que constan en el espediente relativo que original acompaño á Vs. Queda tambien concedido á los nuevos pobladores el agua necesaria para sus labores; y cumpliendo con el artículo 20 del reglamento citado, debo esponer que en mi humilde concepto el reparto de ella podra verificarse por horas designando treinta y seis á las suertes mayores y treinta y dos á las menores, comensando el riego por la número 1 y 69 y pudiendo despues hacer las reformas que la esperiencia acredite ser convenientes y equitativas. Cre tambien conveniente estenderme en este informe á manifestar las circunstancias que ocurren dignas del conocimiento y resolucion del superior gobierno y en consecuencia paso á demostrarlas. En mi pre-septacion á Doña Ana se me hablo á nombre de algunos C. C. de proporciones en esta villa para que se les diese terrenos obligandose solamente á poner que las cultivasen, pero yo que no me crei facultado para ello y que he conocido que el intento de muchos, solo es aprovechar los abundantes frutos de aquellos fertiles terrenos, resolvi que al gobierno tocaba esa deliveracion y yo debia limitarme á darle cuenta como lo verifico para su superior determinacion. Á mi regreso para esta villa previne al juez dispusiese que todos los interesados á quienes se les habia repartido terrenos presentasen oportunamente en esta prefectura el papel correspondiente para estenderles sus títulos y los que deben protocolarse, pero hasta hoy solo se cuentan seis pliegos y esta es la causa por que aun no los remito para la aprobacion de S. E. Por último desde que fui á Doña Ana conocí vivamente que la generalidad de los solicitantes se hallaban desanimados y que no deban esperanzas de formalidad en sus pretenciones, ya por su pobreza y ya por que no son de espíritu para llevar al cabo esas empresas. Hoy veo ya comprobados mis conceptos por la noticia que me ha dirigido el juez de paz de aquel punto en que constan treinta y un vecinos que han renunciado su derecho con sus correspondientes familias que acienden á ciento once personas de todos sexos y edades. Por esto queda de nuevo aquel punto reducido a muy corto número de habitantes, considero que no se constituye antes que comiencen á recibir males de los Apaches y al fin vendrá á despoblarse y quesa tendremos que lamentar algunas desgracias. Todo lo que espongo á Vs. para que el exmo. sor. gobernador á quien se dignara dar cuenta se sirva resolver como fuere de su agrado sobre los puntos que abraze este informe.

Dios y libertad, Villa del Paso, Marzo 17 de 1844.

ANTONIO REY, [una rubrica.]  
J. DOLORES MADRID, So., [una rubrica.]

SEÑOR SECRETARIO de Gobierno del Departamento.

Es copia fiel y legalmente sacada por disposicion del C. gobernador del estado, de los documentos contenidos en los dos cuadernos originales que existen en el archivo de la secretaria de mi cargo relativos á la mercenacion de terrenos hecha á favor de varios vecinos de la villa del Paso para poblar el punto llamado Doña Ana á diez leguas de dicha villa, cuyos documentos tubieron principio en el año de 1840 y terminaron en el de 1844.

Chihuahua, Marzo veinte ocho de mil ochocientos setenta y uno.

[Sello del estado.]

JUAN B. ESCUDERO, Srio.

*Translation of Muniments.*

[Seal of the state of Chihuahua.]

## SECRETARY'S OFFICE.

*Transcript of the expediente formed concerning the adjudication made of the lands of the place called Doña Ana.*

CHIHUAHUA, March 28, 1871.

This transcript of expediente, received through the mail express from John D. Bail, of Mesilla, agent of the claimants, and filed in this the office of United States surveyor-general for New Mexico, this January 23, 1874.

MILLER,  
Chief Clerk.

. Number 60, year of 1840-'42-'43-'44.

*Papers in the grant of lands which sundry citizens of the town of El Paso solicit to settle at the place called Doña Ana, in the district of El Paso, ten leagues from said town.*

A seal, secretaryship, number 2.

List of the individuals who voluntarily present themselves to colonize the place of Doña Ana, and are the following:

Citizen José Ma. Costales.

Lorenzo Provencio.

José Ma. Sierra.

José Garcia.

José Antonio Ortega.

José Ynes Corona.

Cristobal Provencio.

Cano Lucero.

Rafael Rael.

Miguel Garcia.

Gregorio Davalos.

José Ma. Rodrigues.

Julio Arbayo.

Jesus Varela.

Felix Miranda.

Santos Abalos.

Brigido Provencio.

Gregorio Herrera.

José Ma. Garcia.

Narciso Varelo.

Nazario Herrera.

Manuel Padilla.

José Delfin.

Marieno Tellez.

Bantista Moya.

Francisco Lino.

Felipe Herrera.

Citizen José Bernal.

Francisco Varela.

Francisco Lucero.

José Blanco.

Mariano Trujillo.

José Montoya.

Cesario Acuña.

Manuel Martinez.

Rafael Lucero.

Enriquez Lino.

Tomas Carillo.

Eleuterio Perea.

Marcelino Serna.

Florencio Costales.

Luciana Melenado.

Francisco Garcia, the black-smith.

Eustaquio Herrera.

Tomas Yrigoyen.

Pedro Garcia.

José Rivera.

José Abalos.

Juan Velarde.

Güereña the Suma.

Guadalupe Valencia.

Remigio Saenz.

José Antonio Provencio.

Evaristo Dias.

Rafael Herrera.  
 Francisco Rojai.  
 Victor Avalos.  
 Bernabe Blanco.  
 José Tomas Sanches.  
 Gregorio Martinez.  
 Ramon Martinez.  
 Juan Jose Benavides.  
 Wenseslao de la O.  
 Bernavé Montoya.  
 José Ma. Provencia.  
 José Ma. Velarde.  
 José Diego Canena.  
 Norberto Zamora.  
 Benito Rodela.  
 Teodocio Zamora.  
 Francisco Velarde.  
 Francisco Lucero.  
 Cosme Lucero.  
 Juan Agaton Herrera.  
 Francisco Sambrano.  
 Andres Maése.  
 Estevan Gonzalez.  
 Ynocente Rivera.  
 Esmergildo Cano.  
 Jesus Muñoz.  
 José Lucero.  
 Victoriano Sanches.  
 Santos Jurado.  
 Francisco Valverde.  
 José Velarde.

Total, 116.

Town of El Paso, 18th of September, 1839.

JOSÉ MA. COSTALES, [a rubric.]

REVENUE OFFICE OF EL PASO, [seal 3d, two reals.]

Habitated for the two years of one thousand eight hundred and thirty-eight and eight hundred and thirty-nine.  
 Paso, August 21, 1839.

RONQUILLO, [a rubric.]  
 PADILLA, [a rubric.]

*Hon. Prefect of this District:*

The undersigned presents himself in legal form before your honor, and says that when the predecessor of your honor, Cayatano Justiniani, governed this district, I presented myself to him verbally, showing that in company with a considerable number of residents of this town we requested that there be granted us to settle the place of Doña Ana, situated up the river from this locality, and for this purpose we applied to the gentleman mentioned with the object that he would inform us what number of citizens were necessary to obtain the success of that application. He replied to me that with a hundred men it was sufficient to obtain the favor we asked, assuring me that as soon as they were completed I should make a list of their names, forwarding the latter through a formal petition, so that being placed in his hands he might give it the proper course

with the necessary report for the final action of the government. Relying upon so generous an offer, I have diligently completed the number of men that was suggested to me, with some increase, as is seen by the list that I duly accompany, asking him earnestly to give it the proper action so as to obtain the success of what we so much desire, for the concomitant benefits thereof cannot escape the observation of your honor, not only to those who solicit, but in general to all this vicinity. I omit for the present to state the conditions with which such an enterprise should be assured, for I properly understand that the privileges of new settlers are subsisting, confining myself only to asking of your honor that when you have the goodness to announce your report, the conditions of the increase may be ascertained. Therefore I humbly pray that your honor, in consideration of the benefits that must abound from the aforesaid report, you consider as becomes the high duties devolving upon you. I declare the non-dissimulation and as is necessary, &c.

Town of El Paso, 18th of September, 1839.

JOSE MA. COSTALES, [a rubric.]

**MOST EXCELLENT SIR:** The place Doña Ana, distant from this town ten leagues, a little more or less, possesses abundant and fertile lands to cultivate, and for other purposes it facilitates with small labor the taking of water to cultivate them by irrigation, and altogether has all the advantages that a new settler needs to obtain the object he desires. For these reasons and the many others of more weight that are within the observation of your excellency, I will not stop to show you that I find no obstacle sufficient for denying to the petitioners their application, which has for its object the increasing of the population, so necessary for the welfare of a country in all times and circumstances. This is what I can say to your excellency upon the subject, in order that in view thereof you may decide according to your superior pleasure.

Paso, October 18, 1839.

JOSE YGO. RONQUILLO, [a rubric.]

PEDRO TRUJILLO, [a rubric,]

*Secretary Pro tempore.*

*Prefecture of the District of El Paso, No. 177:*

I have the honor to direct to your excellency, with the report that I have believed just, the accompanying petition of the citizens of this place, José Ma. Corrales, that you be pleased to report thereon to the honorable the governor, so that he may determine as he sees proper.

God and liberty, Paso, October 18, 1839.

JOSE YGO. RONQUILLO, [a rubric.]

PEDRO TRUJILLO, [a rubric,] *Sec. pro tem.*

CHIHUAHUA, November 9, 1839.

To the most excellent departmental assembly:

J. MARIA YRIGOYEN, [a rubric.]

**MOST EXCELLENT SIR:** The petition of certain citizens of the town of El Paso, only asking that there be adjudicated to them the lands of the place called Doña Ana, distant ten leagues from the aforesaid town, is without doubt admissible. Inasmuch as it contemplates nothing less than the encouragement of industry, for as stated by the honorable prefect of El Paso, in his report, that place being settled by the applicants, they will cultivate the fertile lands the place contains. This result, as well as that of increasing the population, which is so impor-



tant to all society, and on the other hand to prevent idleness, to which many of the interested may give themselves up as they have not a single piece of land to obtain their subsistence from, prompts the board to recommend that, in conformity with the laws of colonization, there be granted to the applicants the quantity of land allowed them thereunder, investing them equally with all the concessions and privileges the laws concede to new settlers.

This is its opinion. Nevertheless, your excellency will resolve in this particular that which you deem proper and just.

Chihuahua, December 5, 1839.

PEDRO OLIVARES, [a rubric.]  
JUAN NEGRETE, [a rubric.]

JULY 8, 1840.

In conformity with the advice of the excellent assembly, these papers will be passed to the chief of the geographical bureau, that he forthwith, and bearing in mind the laws on the subject, consider the conditions in which should be made the adjudication of the lands applied for.  
[A rubric.]

#### BUREAU OF THE GEOGRAPHICAL BOARD OF CHIHUAHUA.

MOST EXCELLENT SIR: I comply to-day with the order of your excellency, of date the 8th of July instant, requiring me to report the conditions upon which the grant of lands should be made to the one hundred and sixteen citizens that ask it at the place of Doña Ana; and upon doing so only my satisfaction is not complete for the just fear that attends me that my investigation has not produced the desired result that your excellency had promised yourself. The circumstances of the colonization proposed not being according to my understanding a true colonization, as the grant of land therein asked for is sought by inhabitants all of the department and even of the same district of El Paso; the fear that my belief might be erroneous in the matter; the difficulty which met me whether or not this regulation should be governed by the general laws of colonization of the republic or the special ones of the state; the doubt whether some of these will be applicable, so as not to have an obvious conflict with the existing system of government; the circumstance that the authority dictating the regulation might not be a legislative one, and having to express therein without exceeding the powers of the government rules that regulate well the establishment of the settlement, avoiding at the same time some evils that might be apprehended, were reasons that delayed my action and deprived me of the pleasure of having sent to your excellency this report with the promptness that was perhaps desired. It will afford me the greatest satisfaction, if it is in conformity with the desires of your excellency; should it be the reverse, your excellency can correct it as well in the substance as in the form as you please in your superior pleasure.

Chihuahua, July 30, 1840.

JOSÉ RODRIGO GARCIA, [a rubric.]

#### GEOGRAPHICAL BUREAU OF CHIHUAHUA.

*Regulation preliminary to the granting of lands of Doña Ana among various individuals of the district of El Paso who have asked for them.*

ARTICLE 1. There is conceded to the one hundred and sixteen citizens, that through the honorable prefect of El Paso asked for the grant

of lands at the place Doña Ana, the necessary permission to proceed to settle the point referred to.

ART. 2. To each person of the petitioners who may proceed to establish himself there there will be granted, should he be the head of a family, the quantity of land included in a square whose side has seven hundred and eighty varas and a half in length; and if he should not be, that which is contained in a parallelogram of equal length and the half of the before-mentioned quantity in breadth. It will be understood that this land is granted that it may contain his irrigable land.

ART. 3. Wherever it may seem most proper in the judgment of the honorable prefect of the district to establish the town there will be measured an area equal to the eighth part of a "sitio de ganado mayor," or twenty-five hundred varas of length and twelve hundred and fifty width, which shall be set aside for the commons of the town. At the selection by the prefect of the spot spoken of he will be governed as far as possible by the provisions of chapter 5 of the reglamentary law, No. 32, date of 18th of November, '33, enacted by the congress of the State.

ART. 4. For the better regularity of the town, the honorable prefect will take care to divide it off in squares of one hundred varas in length and fifty in breadth, with streets between of twelve and a half varas of width.

ART. 5. Each one of the present petitioners will be favored with the half of a square, or a surface of fifty varas on a side, that he may locate his residence thereon—taking care that these possessions are adjoining one to the other for the better security of the place. In the most central part of the latter there will be taken four squares; two that are adjoining lengthwise will form the plaza, and the other two will be appropriated for the town-house, church, and minister's residence, when there shall be any.

ART. 6. The petitioners should remove to that place as quickly as possible, under the direction of the honorable prefect of the district, who will make them the distribution of the lands according to the provisions of this regulation and the existing laws.

ART. 7. None of these can withdraw from the place before two years, without the previous permission of the government, and those that do so shall forfeit the lands that may have been given them.

ART. 8. The settlement will remain for the present subject to the honorable prefect of the district of El Paso, to be considered as belonging to the district of the same name.

ART. 9. The lots being assigned and the families established upon them, the municipal government of the town will be regulated in conformity with the provisions of the reglamentary law of 20th of March, 1837, and in accordance also with the regulation issued by the excellent departmental assembly, and ordered to be observed by this superior government on the 2d of November, 1839.

ART. 10. The maximum term of time conceded to the settlers to remove to the point they solicit will be three months, counting from the day in which is received this ordinance by the respective prefectures. The individual who shall not within that time repair to receive the lands corresponding to him, should make appear before that authority the legal impediment that might have detained him; or, if the contrary, he will lose the right that by the foregoing articles was conceded him.

ART. 11. Immediately after the half and one more of the colonists have assembled at Doña Ana, the honorable prefect will proceed to establish for them their municipal government agreeably to the provis-



ions of article 9 of this regulation, naming a proprietary judge and an alternate; which this government authorizes him to do in virtue of the power granted it in article 7 of the order of November 2, aforesaid.

**ART. 12.** All national citizens who in the term of one year, counting from the day spoken of in article 10, present themselves asking lands in the place referred to, will be granted the same as the new settlers, except the land designated to the latter for residences in the center of the settlement. To no alien will entrance in the latter be permitted without he has shown to the political authority the proper passport.

**ART. 13.** The petitioners of which the previous article speaks should address themselves to this government, through their respective prefects, who, in supplying the necessary information, will do it with the knowledge he has of the industry and integrity of the claimant.

**ART. 14.** As the persons referred to in the two preceding articles, upon establishing themselves in the new colony, enter upon the enjoyment of conveniences proportionate to the work of their predecessors, to the end that like them they may contribute to the prosperity of the settlement, they will pay five per cent. calculated upon the just value of the land granted them. This tax will be exacted but once, and will be applied to the fund of ways and means.

**ART. 15.** There will also be applied to the creating of the fund of ways and means, the price of the lots situated in the commons of the settlement, which may be sold at the valuation designated for them.

**ART. 16.** In the grants that may be made to the new applicants, care shall be taken that they be situated in places immediately following those already granted.

**ART. 17.** As well these as the first settlers may acquire title by purchase up to three suertes equal to the amount granted of land to be cultivated and an entire square of those established for residence.

**ART. 18.** The price of the suertes and lots mentioned will be for the present one-half of their present value in the town of El Paso.

**ART. 19.** The particular obligations of the new settlers are—

1st. To begin to prepare their land within the term of six months at most.

2d. To contribute with their assessments established by the laws to the fund of ways and other funds therein designated.

3d. To present themselves armed upon the calls of the political or military authority, alternating half about all the persons capable of bearing arms, in the ordinary cases that may arise. When imminent danger calls for a greater number of men, they shall all come forward that have been called for by the authority.

4th. To contribute with their personal services in the construction of a dam or acequia and to the repair or reconstruction whenever the civil authority shall deem it necessary. Their successors shall each bear the same obligations.

**ART. 20.** The honorable prefect of the district will concede to the new settlers the water necessary for their fields, reporting to this government concerning the manner in which he may believe the distribution thereof should be made, and the manner in which irrigation should be regulated.

**ART. 21.** The individual who for two consecutive years shall be proved before the prefect of the district to be the hardest worker or most industrious of the place shall be rewarded with half a suerte of land of those assigned to the heads of families. This reward remains standing only for the term of the first four years.

**ART. 22.** The ordinary municipal fees that the new settlers will pay

will be the same as are now customary at the capital of the district to which the settlement remains subject.

ART. 23. The government will endeavor in conjunction with the illustrious bishop to see that they be supplied with a parish priest to administer to their necessary wants.

ART. 24. They will not pay tithes for the products they raise from the new fields according to the provisions on this subject of the law, but what may be established by agreement with the said minister.

ART. 25. The obligations, rights, and concessions of which the present regulation treats will be considered to be established without prejudice to what may have been determined in the premises in the regulation of colonization issued on the 24th of September, 1827, by the congress of the State and the other existing provisions.

Chihuahua, July 30, 1840.

JOSÉ RODRIGO GARCÍA, [a rubric.]

#### GEOGRAPHICAL BUREAU OF THE DEPARTMENT.

By virtue of your official communication, dated upon the 8th instant, and in consequence of the concurrence of his excellency the governor placed at the end of the document with which you by order of his excellency are pleased to accompany the former, I have informed myself concerning the petition which one hundred and sixteen citizens of the district of El Paso have addressed to the superior government relative to the granting of lands at the place called Doña Ana. I comply to-day with the superior decree referred to, and have the satisfaction to transmit to you the report. I have deemed proper that you be pleased to place it in the hands of his excellency the governor, assuring him of my respects, and receiving yourself my considerations and esteem.

God and liberty, Chihuahua, July 30, 1840.

JOSÉ RODRIGO GARCÍA, [a rubric.]

#### HONORABLE SECRETARY OF STATE OF THE DEPARTMENT.

JULY 31.

The regulation which the director of the geographical bureau presented is provisionally approved, and in pursuance thereof the necessary orders will be given to the prefect of El Paso whereby, in view of its provisions and the bases that the honorable board recommends in its report of the 5th of December, he may proceed to the adjudication of the lands in the form prescribed, and to establish the settlement, governing himself by the rules specified, with instruction to give an account to the government as soon as what is provided for is executed. For this purpose there will be furnished him in an official copy the proper portion of the documents. Let there be placed notices in the interior assembling settlers, and the supreme government will be informed of the result.

[A rubric.]

EXCELLENT SIR: In consequence of the petition of more than a hundred residents of the town of El Paso del Norte, I have ordered, in conformity with the excellent departmental government office, and bearing in mind the laws on the subject, that there be awarded to them the lands included in the place called Doña Ana, situated from ten to twelve leagues from the said town, upon the road to New Mexico, in a bend that the Rio del Norte forms, with a most beautiful plain, which, with a very little work, can be irrigated from the same river upon the margin of

which it lies, forming a valley surrounded by the Sacramento, Soledad, and San Andres Mountains upon the other side of the river, and upon this by the Gila, Mimbres, and Magallon Mountains, which lands, according to intelligent persons, are very suitable for cultivation. I have been prompted by the claims which the people of El Paso have merited by the constant campaigns they make upon the Indians, to form a new settlement that will remove them farther off, and especially as the settlers are all Mexicans. Your excellency will be pleased to report this disposition to his excellency the president for his information, and for other purposes proper, tendering at the same time assurances of my greatest consideration.

God and liberty, July 3, 1840.

[A rubric.]

Excellent Secretary of the Interior.

The excellent departmental junta to whose judgment was submitted for determination the document formed upon the petition of sundry citizens of that town, to the end that they be granted the place Doña Ana, has made the following report:

"MOST EXCELLENT SIR: The petition of some citizens of the town of El Paso praying that there be adjudged them the lands of the place called Doña Ana, distant ten leagues from said town, is without doubt admissible, for it looks to nothing less than the encouragement of industry. For, as stated by his honor the prefect of El Paso in his report, that place being once settled by the petitioners, the rich tillable lands it embraces will be cultivated. This result, as well as the increase of the population, so important to all society, and on the other hand, the prevention of idleness, to which many of those interested might give themselves up in consequence of not having a single span of land to maintain themselves, induces the junta to decide that in conformity with the colonization laws the favor be granted to those interested, by the adjudication of the portion of land they are entitled to thereunder, investing them also with all the concessions and privileges the laws confer upon new settlers. This is their opinion, nevertheless your excellency will resolve as you may consider convenient and just in the premises."

In view of the foregoing report his excellency the governor appended the following decree:

"JULY 8, 1840.

"In conformity with the advice of the excellent junta, this document will pass to the director of the geographical bureau, that at once and in view of the laws upon the subject he determine the conditions on which the adjudication of the lands applied for can be made."

Whereupon the director referred to reported as follows:

"I this day comply with the decree of your excellency dated 8th of the present July, relative to my reporting my conditions on which should be made the grant of lands to the hundred and sixteen citizens who ask it at the place Doña Ana, and upon doing so, my satisfaction is not complete only from the just apprehension I experience that my efforts may not produce the result that your excellency might have promised yourself. The circumstance that the colonization spoken of is not according to my understanding a true colonization, inasmuch as the grant to lands solicited for it is asked by the inhabitants of the department, and even of the very district of El Paso; the apprehension that my belief may be

erroneous in the matter; the difficulty that presented itself to me whether or not this ordinance should conform to the general laws of colonization of the republic or the special ones of the state; the doubt as to whether some of the latter not having a manifest conflict with the present system of the government might be in force; the circumstance that the decreeing power might not have had legislative authority, and the having to prescribe thereupon without exceeding the faculties of the government regulations that might provide well for the establishment of the settlement, preventing at the same time some evils that might be apprehended, were motives that delayed my consideration, and deprived me of the pleasure of having forwarded to your excellency this report as soon as you perhaps desired. It will afford me the greatest pleasure should it conform to the desires of your excellency. Should the reverse be the case, your excellency can correct it as well in the matter as in the form, in manner according to your superior pleasure." (Here the regulation written upon page et seq.)

And the foregoing regulation depending upon the sanction of his excellency the governor, he has seen proper to approve the same provisionally, and in virtue whereof he directs me to say to you, as I do, that in pursuance of what the same provides, and of the bases prescribed by the excellent junta in its included report, you proceed to the adjudication of the lands applied for, and to establish the settlement according to the rules provided, reporting to this government what shall be done in virtue of this determination.

God and Chihuahua, July 31, 1840. [A rubric.]

Hon. Prefect of El Paso.

*Hon. Prefect of this District:*

The undersigned, all residents of this town, appear before your honor with due respect, representing: that, upon the 18th of September last, we addressed to your prefecture a petition asking that we might be given and granted the land known by the name of the Bend of Doña Ana, situated upon the margin of this river, above, in the northern part, distant from this town about ten leagues, somewhat more or less, with the object of working its lands for the purpose of agriculture and pastures near by, for the raising and maintaining of domestic animals necessary and indispensable for this class of industry, leaving its groves of trees, useful for building and other purposes, for the common use, together with those of this town; and inasmuch as up to this date we do not know the disposition it has received, although we are aware that the same was remitted to the government of this department after a report that your prefecture deemed proper to append to it. Impelled by the scarcity of lands which we have experienced since the year 1828, from the freshets of said river carrying off and rendering useless more than half of the small quantity we previously cultivated, we find ourselves obliged, in order to subsist ourselves and our families, to apply anew to your honor, representing with all earnestness that you be pleased to make of this petition such disposition as you shall deem opportune, to the end that with the utmost dispatch what shall be deemed proper for the relief of our calamitous necessity may be determined for us: and in case that for the grant there arise any inability the government may at present have to afford the supplies that the law provides for new settlers. Harassed by the want that afflicts us, we consider the same as furnished, being content with only the grant that we ask, and that a general benefit may result from this new settlement to the nation, employing in this way the labor of its citizens and establishing measurably a bulwark against the barbarous

tribes that surround us on this frontier, facilitating at the same time the most easy communication with the department of New Mexico, and a sure assistance to the travelers in our trade with that place, as the route leading there has to pass through the center of the settlement to be established. We believe that these facts are evident to the understanding of your honor to such a degree that they are not to be doubted. Therefore, we humbly pray that your honor be pleased to report hereon as you may deem well, with the laudable object of its early disposition, whereby we will receive grace and favor. We declare non-dissimulation, and as necessary, &c.

Town of El Paso, July 3, 1840.

Lorenzo Provencio.	Francisco Mondragon.
José Bernal.	Bernabé Montoya.
Ramon Dias de la Serne.	José Ma. Costales.
José Balverde.	José Ma. Cordova.
Yrinio Lujan.	Tomas Yrigoyen.
José Ma. Velarde.	Romualdo Rojas.
Miguel Navarez.	Pablo Melendres.
Juan Marquez.	Casildo del Prado.
Eligio Tellez	José Carbajal.
Severiano Varela.	Eleuterio Perea.
Ramon Cruz.	Manuel Martinez.
Francisco Rojas.	Cruz Martinez.
Mariano Trujillo.	Francisco Horcasitas.
Cesario Acuña.	Vicente Manriques.
Franco Lucero.	José Ma. Sierra.
Gregoria Davalos.	Miguel Garcia.
José Ynes Corona.	José García.
José Lucero.	Enriquez Lino.
Evaristo Dias.	Jesus Muñoz.
Florencio Benavides.	Miguel Padilla.
José Bienes.	José Ma. Provencio.
Manuel Lucero.	José Antonio Provencio.
Reyes Velarde.	Brigido Provencio.
Luciano Melenudo.	Bantista Moya.
Rafael Herrera.	Manuel Padilla.
José Anto. Gallegos.	Balentin Gomez.
Felipe Martinez.	Timoteo Montoya.
Antonio Apodaca.	Timoteo Barrio.
Cesario Tellez.	Pedro Aredo.
Carmen Lucero.	Guadalupe Maese.
Cristobal Provencio.	Antonio Padilla.
Julian Tellez.	Santos Trugillo.
Felipe Gonzales.	Jesus Cobos.
José Rivera.	Pablo Madrid.
Apolonio Rivera.	Bonifacio Armijo.
Nazario Herrera.	Felipe Herrera.
Francisco Telles.	José Avalos.
Dionicio Hidalgo.	Pedro Garcia.
Narciso Varela.	José Ma. Garcia.
Victor Gomez.	José Montoya.
Francisco Provencio.	Florentino Tellez.
Jesus Quiles.	Francisco Lucero.
Juan Agaton Herrera.	Nepomuceno Hidalgo.
Juan Bantista.	Guillermo Varela.
Norberto Zamora.	Esmerejildo Cano.

Julio Arbayo.  
 Monico Benavides.  
 Rafael Lucero.  
 Gregoria Herrera.  
 Jesus Varela.  
 Ponciano Velarde.  
 Pedro Gonzales.  
 Panfilo Tallez.  
 José Antonio Madrial.  
 Santos Avalos.  
 Andres Maese.  
 José Lucero and  
 Gabriel Gutierrez.  
 Geronino Lujan.

Francisco Sanbrano.  
 José Ma. Rodriguez.  
 Eusebio Cadena.  
 José Ma. Morga.  
 Timoteo Apodaca.  
 Cano Lucero.  
 Jesus Duran.  
 Ramon Padilla.  
 Feliciano Ramirez.  
 José Remigio Saenz.  
 Juan Lucero.  
 José Diego Cadena.  
 Mauricio Acosta.  
 Vicente Provencio.

**MOST EXCELLENT GOVERNOR:** In a report of 18th of September last of this prefecture it has been stated to your excellency what is proper relative to the land that the petitioners propose to cultivate. These, from the force of the circumstances in which they now find themselves, by reason of not having lands to cultivate, with other reasons of no less importance, and that are evident to your excellency, cause me to abstain from particularizing very much in detail the miseries that afflict this settlement for the want of grain for its subsistence; and if a portion of the laborers of this town do not devote themselves to husbandry, it is clear that they will always continue in the most miserable condition, owing to the want of lands they lack. It being certain that if the freshet of the river in the approaching year is equal to the one just occurred, undoubtedly one-half of this jurisdiction would be lost, together with the town of Real and part of the other towns that the same river has isolated, a motive that obliges the said petitioners to look in time where to live. Notwithstanding the foregoing, your excellency in view thereof will determine according to your superior pleasure.

Town of El Paso, July 7, 1840.

JOSÉ MORALES, [a rubric.]  
 RAMON DIAS DE LA SERNA, [a rubric,]  
*Secretary.*

#### PREFECTURE OF EL PASO, NUMBER 100.

I have the honor to communicate to you, with the report that I have believed just, the accompanying petition of sundry citizens of this town, in order that you be pleased to report the same to his excellency the governor, that he may determine as he shall deem well, again enjoining you very particularly upon my part the prompt dispatch of the matter on account of the need that these inhabitants have to carry on their enterprise if the superior government accedes to their request.

God and liberty. Town of El Paso, July 8, 1840.

JOSÉ MORALES, [a rubric.]  
 RAMON DIAS DE LA SERNA, [a rubric,]  
*Secretary.*

SECRETARY

*of the Superior Government of the Department of Chihuahua.*

AUGUST 4.

That the present governor was aware since he entered upon the administration what an advantage would be to the welfare of the people



of El Paso the establishment and settlement of the place of Doña Ana, and that he had the pleasure to issue on the 31st ultimo the necessary orders to that end, with all the requisites the laws prescribe.

[A rubric.]

The present most excellent governor, Francisco Garcia Conde, was aware since his entering the government how proper and beneficial would be for the welfare of the people of El Paso the establishment and settlement of the place Doña Ana, that some individuals had solicited by petition on the 18th of September of the last year, which was found pending in this secretaryship, and therefore his excellency was pleased to issue, upon the 31st ultimo, the necessary orders to your prefecture to proceed to the granting of said lands and establishment of the settlement with all the requisites required by the laws. All of which I communicate to your honor by his order, and in reply to your official note relative thereto of the 8th of the said month, with which you accompany a new petition on the subject from the citizens interested of this town.

God and liberty, Chihuahua, August 5, 1840.

*His Honor Prefect of El Paso:*

Under date of 18th of September, 1839, one hundred and sixteen citizens of the town of El Paso presented themselves to this superior government, through the proper channel, praying that there might be adjudged to them the cultivable lands situated upon the margins of the Rio Bravo (distant ten or twelve leagues north of El Paso) at the place commonly known by the name of Bend of Doña Ana. This government, in consideration of the laudable object these individuals propose, in view of the provisions now in force, as well general as special, that authorize this class of grants, knowing that with this act is protected and encouraged the useful branch of agriculture, one of the fountains most productive of wealth and public prosperity, and finally persuaded that by this means many arms, which in consequence of our unfortunate circumstances of poverty, being as they now are, idle, will become busy and productive, agreed to concede to them, with the concurrence of the most excellent departmental junta, the favor they asked. For this purpose this same government undertook to establish the bases on which the said adjudgment should be proceeded with, bearing in mind in doing so that the same ought to yield a result which would be the more satisfactory in proportion as the grant and the duties by it imposed on the former should be united with his individual interest; for which reason there was conceded to the petitioners for land to cultivate the exclusive title of a *caballeria* of land to the head of families and the half of that quantity to those that are not, adjudging to each the lot indispensable for a residence in the commons of the new settlement to be established. Also it was not forgotten to leave unappropriated the necessary space for the prosperity of the colony, and with this intention it was provided that all natives within the term of one year, counting from the date of the establishment of the colony, might present themselves to the government through the proper channel asking the same favor, it might be conceded them, with some slight modifications, the same being that these individuals entering in possession of the piece of land assigned them shall have to pay for once only 5 per cent. calculated upon its value, and also have to purchase at its full value the lot they may apply for in the settlement, with the object that the former of these products as well as the latter be turned over to the fund of ways and means of the colony; and as this arrangement should be within reach of all the inhabitants of the

department, his excellency the governor has directed that this notice be circulated for the purpose indicated, and with that of inviting such honest and industrious poor citizens as may desire to settle in the new colony, reminding them of that wise maxim "that if permanent felicity were compatible with human nature it should be sought in the fields," and that other none the less wise, and much more comprehensive, that serves as a motto of one of our modern enlightened periodicals, to wit, "Of all things that can be undertaken or sought in the world nothing is better, nothing more useful, nothing sweeter or more worthy the free man than agriculture." Which I have the honor to communicate to your honor by direction of his excellency the governor for the proper purposes.

God and liberty, August 13, 1840.

[A rubric.]

To the Prefects.

#### PREFECTURE OF HIDALGO, NUMBER 356.

By the circular of your honor of the 13th inst., I am advised that one hundred and sixteen residents of the town of El Paso presented themselves to your supreme government asking that there might be adjudged to them the cultivable lands situated on the margins of the Rio Bravo, at the point commonly known by the name of Bend of Doña Ana. They have been granted them in the manner the said circular mentions inviting such industrious men as may desire to settle in said colony to do so with the privileges conceded them, which I will communicate to the inferior authorities of the district, to the end that being published the same will come to the knowledge of the public.

God and liberty, Hidalgo, August 18, 1840.

JOSÉ MA DE ECHAVARRIA, [a rubric.]

JOSÉ LEANDRO MUÑOS, [a rubric.]

*Secretary.*

SECRETARY

*of the Government of the Department.*

#### PREFECTURE OF EL PASO, NUMBER 138.

For the purposes contemplated by the superior circular of his excellency the governor, of the 13th instant, relative to inviting such honest and industrious poor citizens as may desire to settle in the new colony of Doña Ana, I have circulated and ordered the same to be published in all this district under my charge, whereof I advise your honor for your information and for the superior knowledge of his excellency the governor.

God and liberty, Town of El Paso, August 28, 1840.

JOSE MORALES, [a rubric.]

RAMON DIAS DE LA SERNA, [a rubric.]

SECRETARY of the Superior Government of the Department of Chihuahua.

#### PREFECTURE OF THE DISTRICT OF GUADALUPE Y CALVO.

There is received in this office the circular dated the 13th instant, relative to the new settlement to be formed upon the margin of the Rio Bravo, ten leagues north of the town of Paso del Norte which will be published at this capital, and will be circulated in the district under my



charge for the same purposes. You will be pleased to advise his excellency the governor thereof, and to receive my assurances of esteem.

God and liberty, Guadalupe y Calvo, August 23, 1840.

JOSE S. PAREJA, *Secretary*, [a rubric.]

MARIANO SAENZ, *Secretary*, [a rubric.]

SECRETARY OF STATE of *Chihuahua*.

PREFECTURE OF EL PASO, NUMBER 153.

I have the honor to address to your honor with the report I have thought right the accompanying petition of citizen Pascual de la O. and associates for the purpose that you be pleased to report the same to his excellency the governor, for such action as he may deem well.

God and liberty. Town of El Paso, October 19, 1840.

JOSE MORALES,

RAMON DIAS DE LA SERNA, *Secretary*, [a rubric.]

SECRETARY of the *Superior Government of the Department of Chihuahua*.

MOST EXCELLENT SIR: The undersigned residents of this pueblo of Cenecú, corresponding to the capital El Paso, come before the upright and high-toned equity of your excellency with due respect to ask the favor which, in consideration of the force of the reasons which justly favor us, we proceed to state; the rigor of the poverty which unhappily afflicts us, the excessive scarcity of all kinds of resources which have failed us, and the increase in our innocent families which in the course of time are increasing, and who are the ones who without fault suffer all these calamitous vicissitudes, that in fact we all undergo, constrain us imperiously to address our sad complaints to the only and beneficent source capable of relieving them. Your excellency, then, with merciful hand, and for the sake of the noble sentiments of humanity characteristic of you, will please to provide the only remedy there is, and which we will demonstrate, to impede the rapid course borne on by the crisis of indigence which torments us. This remedy is none other than that you be pleased to give to us the right to cultivate, under title and in conformity with the laws, whether by especial grant or at our private expense, that portion of the fertile, abandoned, uncultivated lands found in this pueblo. Perhaps our just request may cause at first sight surprise, but when it is considered that the extent of the lands of the quality mentioned is quite large, so that the small number of natives that this pueblo has never can cultivate them, whether owing to their magnitude or whether owing to the notorious apathy or neglect of the natives; and furthermore when it is observed that, our landed possessions are so entirely reduced that their yield is incapable of affording us even in a small degree the indispensable support of our said families, and owing to which we have to experience the serious wants referred to at the beginning; it will be seen as a just consequence that the supreme law of necessity impels us to avail ourselves, by legal means, of this the right of petition, for from its success results no less than a general and private benefit. Although in regard to this may be argued the covetousness, hate, and refined selfishness, qualities which in this class of pueblos have always prevailed among the natives toward their neighbors. It may also be said to us that we might enroll ourselves among the number of settlers of the new colony which is going to be established at the place Doña Ana, corresponding to the capital, the town of El Paso; but although we have abundantly such desires, our poor patri-

mony, which does not consist of anything but the ownership of some very small pieces of land, as we have shown, and our humble hut that answers for a home, deprives us absolutely of that favor, or the facilities which the kind good will of your excellency has been pleased to offer us, at the same time being an obstacle to our going there the abandonment of the few effects we hold in our own right as residents of this pueblo, there not being anybody wishing to purchase them, and from the product of which we might outfit ourselves with the indispensable articles for becoming settlers of the new colonial establishment.

Therefore we humbly pray that your excellency be pleased to heed our submissive prayer whereby we will receive particular favor, and for which we will always live in perpetual remembrance.

Cenecú, October 10, 1840, E. S.

Pascual de la O.  
Candelario Gonzales.  
Juan Anto. Garcia.  
Saturnino Alvillan.  
Marcelo Orosco.  
Calixtro Leyva.  
Encarnacion Romero.  
José Ma. Gonzalez.  
Pablo Alvarillan.  
Juan Pablo Arce de Madrid.  
Jose Vicente Lopez.  
Cristobal Orosco.  
Nicolas Pacheco.  
Gabriel Cordero.  
José Blas Duran.  
Simon Guerra.

Jose Blas Rivera.  
Teodoro Benavidez.  
Anastacio Cando.  
Tomas Griego.  
José de los Angeles Curero.  
José Javela.  
José Velarde.  
José Feliz Lopez.  
Gregorio Montoya.  
Antonio Jaramillo.  
Bautista Griego.  
Silvestre Pasos.  
Eugenio Lopez.  
José Soto.  
Cosme Rios.  
Valentin Maese.

**MOST EXCELLENT SIR:** Your excellency being aware of the complaints which the natives of the pueblo of Senecú have repeatedly made, objecting that their lands be occupied by citizens settled in said pueblo, prevents my stating minutely the powerful reasons that hinder acceding to the prayer of the petitioners, who, although true they suffer hardships from the want of lands, can apply for them if they desire to employ themselves in the work of the new colonization of Doña Ana, where there are sufficient affording the conveniences that the industrious man should desire in human life—all these being reasons that prompted the goodness of your excellency to make the concession of lands general of the said colony to all the native citizens who may wish to permanently settle therein. Your excellency notwithstanding the foregoing will determine according to your superior pleasure.

Town of El Paso, October 19, 1840.

JOSE MORALES, [a rubric.]  
RAMON DIAS DE LA SERNA, [a rubric.]  
Secretary.

December 15.

In conformity with what is reported by the prefecture this petition is not granted, and the same authority may assure the parties interested that the government will furnish them at the place Doña Ana all the advantages they may desire.

[A rubric.]

His excellency, the governor, having examined the petition of some citizens of Senecú, requesting the lands of the natives, and also the report of your honor, showing the just rights of the latter and the difficulties that would result from granting the petition of the former, has been pleased to decree in conformity with your honor's report instructing me that in communicating this, I charge you in the name of the government to assure the petitioners that his excellency will furnish them at the place Doña Ana all the advantages they desire.

I reiterate, &c. God and liberty, December 15, 1840.

His honor the Prefect of El Paso.

[A rubric.]

#### NUMBER 179.

The day having arrived on which the settlers of the new colony of Doña Ana were to set out, a portion of them excused themselves on account of fear of the enemy; those that remained and are anxious to commence the enterprise are prevented by their poverty. The small number of men which is not sufficient to repel at that place any attack that might occur, comprehending which they earnestly request that the time may be extended to them until the 1st of the month of February of the coming year, to start for the said place, as well in order in that time to settle some affairs of urgent necessity as to see whether within the same time they enroll other individuals to increase their force; asking furthermore that those who have signed who without legal excuse absent themselves may be compelled to comply with their obligations, for they believe they have excused themselves so as not to assist in the work on the acequia; all of which I communicate to you to the end that you be pleased to inform the most excellent governor thereof, so that his excellency be pleased if of his superior will to concede to the petitioners the extension they ask; and also whether I may compel those who have excused themselves to go upon the work of the acequia as is requested by those who up to date are steadfast in carrying out their obligation. I protest to you the most sincere considerations of my esteem.

God and liberty, Paso, November 18, 1840.

Secretary of the Government of the Department.

A copy.—Town of El Paso, June 9, 1842.

J. DOLORES MADRID, [a rubric,]  
Secretary.

The most excellent governor desires to know the reasons that have delayed the fulfillment of the order that was communicated to your prefecture on the 31st of July, 1840, for the granting of the lands of Doña Ana and the establishment of a new settlement at that point. His excellency therefore expects the proper report which your honor will be pleased to make with the dispatch the importance of the subject suggests.

God and liberty, El Paso, June 8, 1842. [A rubric.]

His honor Prefect of El Paso.

#### PREFECTURE OF THE DISTRICT OF EL PASO, No. 12.

This office having been occupied searching out and bringing to light any relative antecedents which may have relation to the preliminaries which have hitherto embarrassed the establishment of a new colony upon the

lands of Doña Ana, treated of by the superior order of the most excellent governor dated July 31, 1840, to which your note of the 8th instant, about requesting the proper report, refers, only finds a communication dated 18th of November of said year, in which it is stated the greater part of the colonists excused themselves from carrying into effect their agreement from fear of the Apache enemy, and the balance requested that the time might be extended them until the ensuing February, as is shown in detail by the copy that I forward you, that you may be pleased to communicate the same to the most excellent governor in compliance with what is required of me in the premises by the said order.

God and liberty, Town of El Paso, June 9, 1842.

JOAQUIN VELARDE, [a rubric.]  
J. DOLORES MADRID, [a rubric.]

*Secretary.*

Secretary of State of the Department.

PREFECTURE OF THE DISTRICT OF EL PASO, No. 28.

With the report that has seemed to me proper, I have the honor to accompany to you the petition which the settlers of the Bend of Doña Ana address to the most excellent governor, which petition is appended to the expediente which this prefecture has formed in the matter, which you will be pleased to place before the superior intelligence of his excellency so that he may add his determination.

God and liberty, Town of El Paso, April 19, 1843.

MAURICIO UGARTE, [a rubric.]  
J. DOLORES MADRID, [a rubric.]

*Secretary.*

Secretary of State of the Department.

TOWN OF EL PASO, April 19, 1843.

Let the regulation and order of the junta appearing in the expediente be observed in the settlement of Doña Ana as the general headquarters will soon properly provide, as to the detachment and arms asked for, inasmuch as the settlers will be exempted from military service, but in their turn they will render that service, for from the general tax they cannot be exempted. The request made by citizens of other towns cannot be acceded to; that although the governor desires personally to become acquainted with the locality of the settlement, his pressing engagements and business that require his attention in Chihuahua do not permit him to go there. They are permitted for this year to work the lands they apply for, his excellency the governor desiring that, without loss of time, be carried into effect the settlement of the Bend of Doña Ana. In view of the expediente in the matter which you furnish me with your note of to-day, his excellency has directed that the regulation on this subject, issued on July 31, 1840, be observed, and which appears in the expediente referred to, which I return to your honor, for the same embraces all that is necessary to enable your prefecture to act in this matter with due correctness, and his excellency therefore desires that your honor at once give the people orders to the end that the settlement of Doña Ana receive the necessary impulse. In regard to the petition which some of the colonists at the said point have recently addressed to his excellency, and which has been added to the expediente, his excellency the governor directs that your honor be informed, as I do inform you, that the general headquarters are now giving the proper orders for the purpose of furnishing some detachments arms and ammunition as they ask,

that the settlers of Doña Ana remain exempted from military service, for this will be rendered by them only in their town in such manner as may be necessary; they thus cannot be exempted from the payment of taxes, for these are imposed by the supreme government, whose dispositions the most excellent governor cannot alter, nor can he accede to the request they make for citizens of other towns for the construction of the acequia, for those works belong exclusively to the settlers, who only partake of the benefits of the law; that pressing affairs requiring the attention of his excellency in Chihuahua, he cannot, though he desires, go personally to the land to be settled, as he will do upon another occasion, when he visits this frontier; and finally that there is conceded to those that sign the before-mentioned petition with such others as may be in the same situation to cultivate the lands they ask for this year, until there is distributed to them their land according to the regulation cited, and the laws on the subject. His excellency hopes that your honor with your characteristic energy will act in this matter until you overcome the obstacles presenting themselves, so that the settlement at Doña Ana have effect, to which end the most excellent governor also desires that your honor have published this order and cause the same to reach the knowledge of the parties interested; your honor reporting to this government all the results in the premises.

God, &c., Town of El Paso, April 19, 1843.

His honor the Prefect of the town of El Paso.

AUGUST 10, 1843.

Let the prefect be interrogated as to the condition the settlement of Doña Ana is now in.

MARTINEZ, [a rubric.]

SECTION 1. The most excellent governor desiring to know in what condition the settlement of the bend called the Bend of Doña Ana now is, which matter this government commended to your honor in an order that I communicated to you under date 19th of April last, he directs me to request of you a report upon this subject, and, in compliance with his order, I inform your honor of the same for the consequent ends.

God, &c., August 14, 1843.

Prefect of El Paso.

The prefecture having reported, (it was returned,) the following decree resulted:

CHIHUAHUA, November 15, 1843.

This will be returned to the prefecture that it may take the proper measures for ascertaining the truth of the matter, without giving occasion for alarm among the Indians, and that it may furnish in case of necessity any indispensable assistance to the settlers of Doña Ana.

MONTERDE.

BARCENAS,

*Secretary.*

Upon the same day this was returned to the prefecture:

PREFECTURE OF THE DISTRICT OF EL PASO DEL NORTE, NUMBER 10.

Although I had devoted myself for the last few days to the formation of the accounts of the branch of taxation *per capita*, of which articles 15 and 34 of the law of April 7 of last year treats, which my predecessors

failed to do, so as to forward them by this mail to your superior government, it has not been permitted me to finish on account of being obliged on the 15th inst. to go to the place Doña Ana, for the purpose of distributing the lands to the settlers applicants which said superior government has conceded to them. Hence, as well that matter as others that may occur before my return to this town will have to suffer delay in the office, for the reason that it is not permitted to me to deliver the prefecture to the individual the law may designate; the same being according to the regulation of July, 31, 1840, on the subject exclusively in charge of the prefect. Be pleased to place this communication in the knowledge of the most excellent governor.

God and liberty, Town of El Paso, January 13, 1844.

ANTONIO REY, [a rubric.]  
J. DOLORES MADRID, [a rubric.]  
*Secretary.*

Secretary of the government of the department.

SECTION 2. By the note of your honor, number 10, of the 13th instant, his excellency the governor is advised that upon the 15th of the same month you would proceed to the place Doña Ana for the purpose of executing the distribution of lands to the settlers applying, taking with you the government of the prefecture with the motive you express; and I advise your honor thereof for your information, as directed by his excellency.

God, &c. January 26, 1844.

Prefect of the district of El Paso.

[A rubric.]

PREFECTURE OF THE DISTRICT OF EL PASO DEL NORTE, No. 20.

You will be pleased to inform his excellency the governor of my return to this town twelve days after undertaking my trip to Doña Ana, and that the pressure of time does not permit me now to forward the expediente showing the acts I performed, and the titles for the lands adjudged, for the approbation of his excellency, but that I will do so opportunely, and with the information I may believe necessary. As the regulation issued for the adjudgment of lands at said place confers that faculty exclusively upon the prefect, and as the latter is twenty leagues distant and overburdened with business by his numerous duties, I request that you be pleased to procure the proper instructions as to whether, whenever many colonists present themselves, the prefect will have to go to distribute the lands, or how this matter should be arranged so as to avoid the delay affecting the other matters peculiar to him, and it might be urgent ones.

God and liberty, Town of El Paso, January 31, 1844.

ANTONIO REY, [a rubric.]  
J. DOLORES MADRID, [a rubric.]  
*Secretary.*

Secretary of the government of the department.

FEBRUARY 14.

The prefecture may commission such individuals as it may deem suitable for the distribution of lands in cases in which it cannot itself make the same.

[A rubric.]



SECTION 1. If the prefecture in charge of your honor should not, from any cause preventing it, be able itself to make the distribution of lands at the place Doña Ana, to the settlers applying therefor, the same may depute that duty to such individuals as it may deem suitable to perform that operation. His excellency the governor has directed that I communicate this to your honor as a reply to the inquiry you make in your note number 20, of 31st January last, which I answer for your information.

God, &c. February 14, 1844.

[A rubric.]

His honor the prefect of the district of El Paso.

PREFECTURE OF THE DISTRICT OF EL PASO DEL NORTE, No. 93.

The justice of the peace of Doña Ana, under date the 14th instant, states to me the following: "The part which, according to the laws or colonization, is required to be done by all the individuals who have taken possession of lands in this new colony in order that they may obtain from the prefecture under the dignified administration of your honor the due title in fee. It is almost impossible to make effective this regulation on account of the misery and scarcities in which these colonists find themselves involved, all of them offering to do it as soon as they harvest the crops of this year. This occasion affords me the opportunity to protest to your honor my entire respect." I inclose the same to you, stating, for the information of the most excellent governor, that, owing to this cause, there has not been issued the respective titles, as I have already reported, nor the lands for house-lots distributed.

God and liberty, Town of El Paso, April 19, 1844.

ANTONIO REY, [a rubric.]  
J. DOLORES MADRID, [a rubric,]  
Secretary.

Secretary of state of the department.

MAY 6.

Entered.

[A rubric.]

SECTION 2. By the note of the justice of the peace of Doña Ana, which your honor inserts in your letter of April 19 last, his excellency the governor is made aware of the reason why the titles of ownership have not been issued to the settlers of that place for the lands they have acquired, nor the lots for the houses they live in been distributed.

God, &c., May 6, 1844.

[A rubric.]

Prefect of the district of El Paso.

PREFECTURE OF EL PASO, NUMBER 13.

I have forwarded to the justice of the peace of Doña Ana the original expediente formed upon the colonization of that place, empowering him to make the due grants of lands, and issue titles as well to those citizens now located as to those that may go within the term the regulation establishes. In doing so I have had in view the impossibility of acting personally, owing to the repeated incursions of the savages, and having to attend in person to the work upon the river of this town as of vital

interest to all its inhabitants; and although I might do it after this as the said justice of the peace of Doña Ana informs me officially that the residents demand their titles, it seems to me proper to do it, as I have stated. You will be pleased to make this known to your superior government for its determination:

God and liberty, El Paso, January 23, 1846.

GUADALUPE MIRANDA, [a rubric.]

JOAQUIN ALVAREZ, [a rubric.]

Secretary.

Secretary of state of Chihuahua.

The note of your honor, No. 13, of 23d of January last, has informed his excellency the governor that that prefecture had forwarded to the justice of the peace of Doña Ana the original expediente formed upon the colonization of that place, empowering him to make the due grants for lands, and issue titles as well to the citizens now located as to those that may go within the term the regulation on the subject prescribes.

God, &c., March 11, 1846.

[A rubric.]

Prefect of the district of El Paso.

*Roster of the members of the auxiliary company of Infantry of El Paso who march to the colony of Doña Ana to render their services.*

Sergeant Manuel Provencio.

José Vianes.

Corporal José Ma. Lujau.

José Ma. Perea.

Soldiers Francisco Provencio.

José Dolores Apodaca.

José Tafoya.

PASO, April 30, 1843.

PASO, August 12, 1843.

Of the two muskets which were given to Geronimo Lujau, he turned over one of them, which was assigned to José Tafoya, there remaining in possession of the latter the one which was given to him as a soldier.

*Expediente formed relative to the colonization of the Bend of Doña Ana since July, 1840.*

### NUMBER 3.

In the book for the year 1840, in which this prefecture has registered the communications that are directed to the superior departmental government, there is one found upon pages 17 *et seq.*, of the following tenor:

### NUMBER 100.

I have the honor to communicate to you, with the report I have believed just, the accompanying petition of sundry citizens of this town, in order that you be pleased to report the same to his excellency the governor, that he may determine as he shall deem well, again enjoining you, very particularly on my part, the prompt dispatch of the matter on account of the need that these inhabitants have to carry on their enterprise if the superior government accedes to their request.

July 8, 1840.

A copy. Town of El Paso, April 19, 1843.

J. DOLORES MADRID, [a rubric.]



In book third of decrees, circulars, and proclamations, which the prefecture of this district keeps for retained copies, at pages 25 *et seq.*, is found entered a report of the following tenor :

Report upon the petition of sundry citizens of this town who apply to possess the land at Doña Ana, was placed the following :

EXCELLENT SIR: In a report of the 18th of September last of this prefecture, it has been stated to your excellency what is proper relative to the lands the petitioners propose to cultivate. These, from the force of the circumstances they now find themselves in, by reason of not having lands to cultivate, with other reasons of no less importance, and that are evident to your excellency, cause me to abstain from particularizing very much in detail the miseries that afflict this settlement from the want of grain for its subsistence, and if a portion of the residents of this town do not devote themselves to husbandry it is clear that they will always continue in the most miserable condition, owing to the want of the lands they lack, it being certain that if the freshet of the river in the approaching year is equal to the one just occurred, undoubtedly half of this jurisdiction would be lost, together with the town of Real and part of the other towns which the same river has isolated, a motive that obliges the said petitioners to look in time for where to live and not become witnesses of the final ruin.

Notwithstanding the foregoing, your excellency, in view thereof, will determine according to your superior pleasure.

Paso, July 7, 1840.

A copy. Town of El Paso, 19th of April, 1843.

J. DOLORES MADRID, [a rubric,]  
*Secretary.*

In the book for the year 1839, in which this prefecture has registered the communications it has addressed to the superior departmental government, is found a report to the following effect:

Report placed upon the petition of José Ma. Costales, its date 18th of September, 1839.

EXCELLENT SIR: The place Doña Ana, distant from this town ten leagues, a little more or less, possesses abundant and fertile lands to cultivate, and for other purposes. It facilitates with small labor the taking of water to cultivate them by irrigation; and altogether has all the advantages that a new settler needs to obtain the object he desires. For these reasons, and the many others of more weight that are within the observation of your excellency, I will not stop to show you that I find no obstacle sufficient for denying to the petitioners their application which has for its object the increasing of the population so necessary for the welfare of a country in all times and circumstances. This is what I can say to your excellency on the subject, in order that in view thereof you may decide according to your superior pleasure.

October 18, 1839.

A copy. Town of El Paso, April 19, 1843.

J. DOLORES MADRID, [a rubric,]  
*Secretary.*

SECRETARY OF STATE'S OFFICE OF CHIHUAHUA.

The excellent department junta, to whose judgment was submitted by this government for advice the expediente formed by virtue of the peti-

tion of sundry citizens of your town concerning the granting to them of the place Doña Ana, has made the following report :

**MOST EXCELLENT SIR:** The petition of some citizens of the town of El Paso, praying that there be adjudged them the lands of the place called Doña Ana, distant ten leagues from said town, is without doubt admissible, for it looks to nothing less than the encouragement of industry. For as stated by his honor, the prefect of El Paso, in his report, that place being once settled by the petitioners, the rich tillable lands it embraces will be cultivated. This result, as well as the increase of the population so important to all society, and on the other hand the prevention of idleness, to which many of those interested might give themselves up in consequence of not having a single span of land to maintain themselves, induces the junta to decide that, in conformity with the colonization laws, the favor be granted to those interested by the adjudication of the portion of land they are entitled to thereunder, investing them also with all the concessions and privileges the laws confer upon new settlers. This is their opinion ; nevertheless, your excellency will resolve as you may consider convenient and just in the premises.

In view of the foregoing report his excellency the governor appended the following decree :

In conformity with the advice of the excellent departmental junta, this expediente will pass to the director of the geographical bureau, that at once, and in view of the laws upon the subject, he determine the conditions on which the adjudication of the lands applied for can be made.  
[A rubric.]

Whereupon the director referred to reported as follows :

**MOST EXCELLENT SIR:** I this day comply with the decree of your excellency dated 8th of the present July, relative to my reporting the conditions on which should be made the grant of lands to the one hundred and sixteen citizens who ask it at the place Doña Ana, and upon doing so my satisfaction is not complete, only from the just apprehension I experience that my efforts may not produce the result that your excellency might have promised yourself. The circumstance that the colonization spoken of is not, according to my understanding, a true colonization, inasmuch as the grant to lands solicited for it is asked by the inhabitants of the department and even of the very district of El Paso ; the apprehension that my belief may be erroneous in the matter ; the difficulty that presented itself to me, whether or not this ordinance should conform to the general laws of colonization of the republic, or the special ones of the State ; the doubt as to whether some of the latter, not having a manifest conflict with the present system of the government, might be in force ; the circumstance that the decreeing power might not have had legislative authority, and the having to prescribe thereupon without exceeding the faculties of the government regulations that might provide well for the establishment of the settlement, preventing at the same time some evils that might be apprehended, were motives that delayed my consideration, and deprived me of the pleasure of having forwarded to your excellency this report as soon as you perhaps desired. It will afford me the greatest pleasure, should it conform to the desires of your excellency. Should the reverse be the case, your excellency can correct it, as well in the matter as in the form, in manner according to your superior pleasure.

Regulation preliminary to the granting of lands of Doña Ana among various individuals of the district of El Paso who have asked for them.

ARTICLE 1. There is conceded to the one hundred and sixteen citizens that through the honorable prefect of El Paso ask the grant of lands at the place Doña Ana, the necessary permission to proceed to settle the point referred to.

ART. 2. To each person of the petitioners who may proceed to establish himself there, there will be granted, should he be head of a family, the quantity of land included in a square whose side has seven hundred and eighty varas and a half in length; and if he should not be, that which is contained in a parallelogram of equal length and the half of the before-mentioned quantity in breadth. It will be understood that this land is granted that it may contain his irrigable land.

ART. 3. Wherever it may seem most proper, in the judgment of the honorable prefect of the district, to establish the town, there will be measured an area equal to the eighth part of a "sitio de ganado mayor," or two thousand five hundred varas of length and twelve hundred and fifty width, which shall be set aside for the commons of the town. At the selection by the prefect of the spot spoken of he will be governed as far as possible by the provisions of chapter 5 of the regulatory law No. 32, dated 18th of November, 1833, enacted by the congress of the State.

ART. 4. For the better regularity of the town, the honorable prefect will take care to divide it off in squares, of one hundred varas in length and fifty in breadth, with streets between of twelve and a half varas of width.

ART. 5. Each one of the present petitioners will be favored with the half of a square, or a surface of fifty varas on a side, that he may locate his residence thereon, taking care that these possessions are adjoining one to the other for the greater security of the place. In the most central part of the latter there will be taken four squares; two that are adjoining lengthwise will form the plaza, and the other two will be appropriated for the town-house, church, and minister's residence, when there shall be any.

ART. 6. The petitioners should remove to that place as quickly as possible under the direction of the honorable prefect of the district, who will make them the distribution of the lands according to the provisions of this regulation and the existing laws.

ART. 7. None of these can withdraw from the place before two years without previous permission of the government, and those that do so shall forfeit the lands that may have been given them.

ART. 8. The settlement will remain for the present subject to the honorable prefect of the district of El Paso, to be considered as belonging to the district of the same name.

ART. 9. The lots being assigned and the families established upon them, the municipal government of the town will be regulated in conformity with the provisions of the regulatory law of 20th of March, 1837, and in accordance also with the regulation issued by the excellent departmental junta, and ordered to be observed by this superior government on the 2d of November, 1839.

ART. 10. The maximum term of time conceded to the settlers to remove to the point they solicit will be three months, counting from the day in which is received this regulation by the respective prefectures. The individuals who shall not within that time repair to receive the

lands corresponding to him, shall make appear before that authority the legal impediment that might have detained him; or if the contrary, he will lose the right that by the foregoing articles was conceded him.

ART. 11. Immediately after the half and one more of the colonists have assembled at Doña Ana, the honorable prefect will proceed to establish for them their municipal government agreeably to the provisions of article 9 of this regulation, naming a proprietary judge and an alternate, which this government authorizes him to do in virtue of the power granted it in article 7 of the 2d of November aforesaid.

ART. 12. All national citizens who, in the term of one year, counting from the day spoken of in article 10, present themselves asking lands in the place referred to, will be granted the same as the new settlers, except the land designated to the latter for residences in the center of the settlement. To no alien will entrance in the latter be permitted without he has shown to the political authority the proper passport.

ART. 13. The petitioners of which the previous article speaks should direct themselves to this government through the respective prefects, who upon making the proper report will do so according to his views of the industry and integrity of the applicant.

ART. 14. As the persons referred to in the two preceding articles upon establishing themselves in the new colony, enter upon the enjoyment of conveniences proportionate to the work of their predecessors, to the end that like them they may contribute to the prosperity of the settlement, they will pay five per cent., calculated upon the just value of the land granted them. This tax will be exacted but once and will be applied to the fund of ways and means.

ART. 15. There will also be applied to the creating of the fund of ways and means the price of the lots situated in the commons of the settlement, which may be sold at the valuation designated for them.

ART. 16. In the grants that may be made to the new applicants care shall be taken that they be situated in places immediately following those already granted.

ART. 17. As well these as the first settlers may acquire title by purchase up to three "suertes" equal to the amount granted of land to be cultivated and an entire square of those established for residence.

ART. 18. The price of the "suertes" and lots mentioned, will be for the present one-half of their present value in the town of El Paso.

ART. 19. The particular obligations of the new settlers are:

- 1st. To begin to prepare their land within the term of six months.
- 2d. To contribute with their assessments established by the laws to the fund of ways and other funds therein designated.
- 3d. To present themselves armed upon the calls of the political or military authority, alternating half about all the persons capable of bearing arms in the ordinary cases that may arise. When imminent danger calls for a greater number of men they shall all come forward that have been called for by the authority.

4th. To contribute with their personal services in the construction of a dam or acequia, and to the repair or reconstruction whenever the civil authority shall deem it necessary. Their successors shall each bear the same obligations.

ART. 20. The honorable prefect of the district will concede to the new settlers the water necessary for their fields, reporting to this government concerning the manner in which he may believe the distribution thereof should be made, and the manner in which irrigation should be regulated.

ART. 21. The individual who for two consecutive years shall prove himself before the prefect of the district to be the hardest worker or

most industrious of the place shall be rewarded with half a suerte of land of those assigned to the heads of families. This reward remains standing only for the term of the first four years.

ART. 22. The ordinary municipal fees that the new settlers shall pay will be the same as are now customary at the capital of the district to which the settlement remains subject.

ART. 23. The government will endeavor, in conjunction with the illustrious bishop, to see that they be supplied with a parish priest to administer to their spiritual wants.

ART. 24. They will not pay tithes for the products they raise from the new fields according to the provisions on this subject of the law, but what may be established by agreement with the said minister.

ART. 25. The obligations, rights, and concessions of which the present regulation treats, will be considered to be established without prejudice to what may have been determined in the premises in the regulation of colonization issued on the 24th of September, 1827, by the congress of the State and the other existing provisions.

And the foregoing regulation depending upon the sanction of the most excellent governor, he has seen proper to approve the same provisionally in virtue whereof he directs me to say to your honor, as I do, that in pursuance of what the same provides, and of the bases prescribed by the excellent junta in its included report, your honor proceed to the adjudgment of the lands applied for, and to establish the settlement according to the rules provided, reporting to this government what shall be done in virtue of this determination.

God and liberty, Chihuahua, July 31, 1840.

AMADO DE LA VEGA, [a rubric.]

Hon. Prefect of the district of El Paso.

#### SECRETARY OF STATE'S OFFICE OF CHIHUAHUA.

The present most excellent governor, Francisco Garcia Conde, was aware since his assuming the government, how proper and beneficial would be for the welfare of the people of El Paso, the establishment and settlement of the place Doña Ana that some individuals had solicited by petition on the 18th of September of last year, which was found pending in this secretaryship, and therefore his excellency was pleased to issue upon the 31st ultimo the necessary orders to your prefecture to proceed to the granting of said lands and establishment of the settlement with all the requisites required by the laws. All of which I communicate to your honor by his order, and in reply to your official note relative thereto of the 8th of the said month with which you accompany a new petition on the subject from the citizens interested of your town.

God and liberty, August 5, 1840.

AMADO DE LA VEGA, [a rubric.]

His honor the Prefect of El Paso.

[Circular.]

#### OFFICE OF SECRETARY OF STATE OF CHIHUAHUA.

Under date of 18th of September, 1839, one hundred and sixteen citizens of the town of El Paso presented themselves to this superior government through the proper channel, praying that there might be adjudged to them the cultivable lands situated upon the margins of the Rio Bravo (distant ten or twelve leagues north of El Paso,) at the place commonly known by the name of Bend of Doña Ana. This government,

in consideration of the laudable object these individuals propose in view of the provisions now in force, as well general as special, that authorize this class of grants, knowing that with this act is protected and encouraged the useful branch of agriculture one of the fountains most productive of wealth and public prosperity, and finally persuaded that by this means many arms which in consequence of our unfortunate circumstances of poverty being as they now are idle, will become busy and productive, agreed to concede to them with the concurrence of the excellent departmental junta the favor they asked. For this purpose this same government undertook to establish the bases on which the said adjudgment should be proceeded with, bearing in mind, in doing so, that the same ought to yield a result which would be the more satisfactory in proportion as the grant and the duties by it imposed on the farmer should be united with his individual interest; for which reason there was conceded to the petitioners for land to cultivate the exclusive title of a caballeria of land to the heads of families, and the half of that quantity to those that are not, adjudging to each the lot indispensable for a residence in the commons of the new settlement to be established; also it was not forgotten to leave unappropriated the necessary space for the prosperity of the colony, and with this intention it was provided that all natives who within the term of one year, counting from the date of the establishment of the colony, might present themselves to the government through the proper channel asking the same favor, it might be conceded them with some slight modifications, the same being that these individuals entering in possession of the piece of land assigned them shall have to pay for once only five per cent. calculated upon its value, and also have to purchase at its full value the lot they may apply for in the settlement, with the object that the former of these products as well as the latter be turned over to the fund of ways and means of the colony; and as this arrangement should be within reach of all the inhabitants of the department, the most excellent governor has directed that this notice be circulated for the purpose indicated, and with that of inviting such honest and industrious poor citizens as may desire to settle in the new colony, reminding them of that wise maxim "that if permanent felicity were compatible with human nature it should be sought in the fields," and that other none the less wise and much more comprehensive, that serves as a motto of one of our modern enlightened periodicals, to wit. "Of all things that can be undertaken or sought in the world, nothing is better, nothing more useful, nothing sweeter or more worthy the free man than agriculture." Which I have the honor to communicate to your honor by direction of his excellency the governor for the proper purposes.

God and liberty, Chihuahua, August 13, 1841.

AMADO DE LA VEGA, [a rubric.]

His honor Prefect of El Paso.

On the 24th of August, 1841, this was circulated throughout the district under my authority.

#### OFFICE OF SECRETARY OF STATE OF CHIHUAHUA.

His excellency, the governor, having examined the petition of some citizens of Senecu requesting the lands of the natives, and also the report of your honor showing the just rights of the latter, and the difficulties that would result from granting the petition of the former, has been pleased to decree in conformity with your honor's report instructing me that in

communicating this I charge you in the name of the government to assure the petitioners that his excellency will furnish them at the place Doña Ana all the advantages they desire.

I reiterate to your honor my consideration and esteem.

God and liberty, Chihuahua, December 15, 1840.

JUAN N. DE URQUIDE.

His honor the Prefect of El Paso.

*To his honor the Prefect of this district :*

We, the citizens, who at the close hereof sign, residents of this town, before your honor, with due submission and respect, present ourselves, saying—that being ready to proceed to the point Doña Ana the first of the ensuing month to engage in constructing the acequia to furnish sufficient water for the irrigation of the lands at said point which the kindness of the superior government saw proper to concede under date of 31st July, 1840, that we might colonize the same, in which enterprise the war of the savages and other causes of not less weight have delayed us, there remains to us to ask of your honor that you grant us the permission to carry it out. For this purpose we hereby petition, believing confidently that our request will be acceded to, and that an enterprise of so much utility to the nation and general prosperity of the colonists—

We therefore humbly ask and pray your honor with the utmost earnestness to be pleased to defer to our prayer, whereby we will receive the favor, grace, and justice we seek.

Town of El Paso, January 26, 1843.

Bernabé Montoya.  
José Ma. Costales.  
Cristobal Provencio.  
Brigido Provencio.  
Nasaro Herrera.  
Santos Avalos.  
Felipe Herrera.  
Perfecto Avalos.  
Catarino Trujillo.  
Jn. Trujillo.  
José Ma. Rodriguez.  
Pablo Melendres.  
José Ma. Bernal.  
José Ma. Cordoba.  
José Antonio Gallegos.  
Teodoso Zamora.  
Esmeregildo Montaya.

Ramon Dias de la Serna.  
Elenterio Perea.  
Yrineo Lujan.  
Rafael Provencio.  
Francisco Tellez.  
José Ynes Corona.  
Gregorio Herrera.  
Adanto Trujillo.  
Esmeregildo Cano.  
José Garcia.  
José Bienes.  
Gregorio Davalos.  
Jesus Alivares.  
Jesus Cordoba.  
Julio Madrid.  
Bonifacio Armijo.

Instructions by which Bernabé Montoya will be governed as agent for this prefecture to command the persons who this day proceed to the place of the new settlement of Doña Ana for the purpose of taking out the main acequia, which instructions he will observe while they may be at work at the said place in the manner following :

1st. From the moment in which he shall commence his march from this town for Doña Ana he will take care that the party travel with order sufficient to protect it from any disastrous surprise from enemies.

2d. Being at the said place Doña Ana, he will also take care that in apportioning the labor he has to commence, he do so in such way that they can be protected in case they are attacked by enemies.



3d. He will examine with great care the point where the main acequia will be taken out, to the end that upon commencing his work, he will endeavor to obtain all the land possible, inasmuch as thereby depends the welfare of the large population which in time may be formed.

4th. Said main acequia will have for the present the width of two varas, or two and a half, it remaining at the will of the maker thereof to give it the depth the ground may allow, always endeavoring to obtain that the most elevated of the lands may be irrigated.

5th. He will take special care that the course of the said acequia lead to the nearest part of where on account of the elevation or solidity of the ground the town should be formed.

6th. He will take care that the laborers accompanying him perform their tasks in equal proportion, he being by this prefecture authorized to impose such penalties as may be practicable, in view of the circumstance of being in camp, upon those that disobey or do not comply with this precept.

7th. As the events of the camp it is absolutely impossible to foresee with certainty, unless in the presence of the circumstances and casualties occurring, the prefecture leaves it to the judgment of the said Montoya to dictate all measures he may deem proper, for the just object of defending as well himself as at the same time his subordinates, and to advance as fast as possible as his best judgment may dictate to him the beneficent enterprise placed in his charge, and no one whoever it be will violate in any way the orders and determinations of the said Montoya under penalty of the liability which according to the nature of the offense or crime will be made effective against the party by this prefecture upon the report he may make to said prefecture on his return or from that point.

8th. If, after arriving at the point Doña Ana, any citizens of this town or of any other town, whether of this or any other department of our republic, shall present themselves for the purpose of joining the new settlement, he will admit them, noting, in a roll he will keep, the names, day of their arrival, and lands they are assigned to.

El Paso, February 2, 1843.

*Most excellent Governor:* The undersigned, citizens of this town and at present settlers of the new colony of Doña Ana, by the grace and favor of your superior government appear before your excellency with due submission and respect, representing that in consequence of the number of men being small with whom we have gone to begin the taking out of the water at the said point, owing to not following us all who signed the petition in which we asked that we might be permitted to colonize the aforesaid place, innumerable injuries of considerable magnitude have resulted to us, of which not the least is the being unfinished of the taking of water to the place that we have selected as suitable to make the settlement and to locate our cultivable lands, in virtue of which and believing confidently that your excellency has to protect us as far as your ample powers may permit, so that we may carry out an enterprise of the greatest utility to the nation and to ourselves individually, we can do no less than apply to your excellency, praying with the greatest earnestness that you be pleased to concede us that which we ask upon the following points:

1st. That we be furnished with a detachment of troops for the safety of our persons and interests.

2d. That we be furnished with a resupply of arms and ammunition.

3d. That there be waived military service to which some of our companions are obligated.



4th. That we be exempted from the taxes we suffer.

5th. That we be promptly furnished ten men from each district for the term of eight days so as in this way to finish the acequia, or that all who signed be compelled to repair thereto until its conclusion.

6th. That we be furnished the regulation by which we must govern ourselves in our new colony as was offered us by the predecessor of your excellency.

7th. That, should your high and increased engagements permit it, your excellency do us the favor to go and become acquainted with our lands, so that you may be persuaded of the advantages that would result to our department by colonizing them.

8th. That if we cannot, owing to the shortness of the time, finish the acequia, we be permitted to go and cultivate this year the lands we have cleared, without prejudice to your ordering that the distribution of the lands be made, and that we take those which may suit us to put our property on. This is what we ask, and therefore we humbly ask that your excellency be pleased to defer thereto, whereby we will receive the favor, grace, and justice we seek, being pleased to receive this petition upon this common paper, there being none of the proper stamp in the revenue office at this time, without prejudice to reposition.

Town of El Paso, April 16, 1843.

José Ma Costales.

Ramon Dias de la Serna.

Jesus Cordoba.

José Ma Rodriguez.

Eleuterio Perera.

Jesus Olivares.

José Bienes.

Gregorio Davalos.

Timoteo Mantoya.

Pedro Trujillo.

José Ma. Valencia.

Teodocio Zamora.

Felipe Madrid.

Bernabé Montoya.

Pablo Melendres.

José Ynes Corona.

Geronimo Lujan.

José Antonio Gallego.

José Ma. Bernal.

José Ma. Sierra.

José Ma. Lujan.

Pedro Aguirre.

José Tafoya.

Julio Madrid.

José Ma. Cordoba.

Miguel Nevarez.

**MOST EXCELLENT SIR:** Those who sign and are the principal men in this petition presented themselves, in September, 1839, together with other residents of this town, to your superior government, through the proper channel, praying that there might be adjudged them the cultivable lands found on the margins of the Rio Bravo, known by the name of Bend of Doña Ana. The same government granted them, with the concurrence of the excellent departmental junta, the favor they asked in July, 1840; and although after this date the colonists might have put in operation their labors for the purpose indicated, it was prevented by the constant and disastrous war, in which were engaged the savage Indians, and other causes of no less weight which their poverty caused them, until animated by a determination, and taking advantage of the peace that was last year concluded with those hostile to us, addressed to this prefecture on the 26th of January of the present year a new petition, in which they ask, and it was granted them, upon the 2d February last, permission to engage in constructing the main acequia to furnish sufficient water for the irrigation of the lands of said place. It is true all the petitioners have not assisted in the construction of the acequia, and only to the number of eighteen have done so; for which reason I proceed to express my opinion upon the eight points that this petition contains, in the manner following:

With respect to the first, it seems that the detachment is unnecessary as the department is in peace, and that the number of troops that might be employed in that place will be more useful in other duties of the service. With respect to the second, eleven muskets, which are now loaned and can be recovered, can well be furnished, but without any ammunition, as there is none, without drawing upon that the garrisons have. What they ask in the third may all be conceded them. The request they make in the fourth can be done when they already place themselves in possession of their lands, paying here temporarily the taxes corresponding to them. With regard to the desire of the fifth, the request seems an exorbitance, since no community can be obliged to lend service to another; the claim of the sixth is answered in the proceedings had that the government might permit them to colonize. With regard to the seventh, it remains with the high prerogatives of your excellency to concede or deny. With respect to the eighth, the bases upon which they have to begin until the conclusion is regulated. This is what I can state in virtue of what appears in the present petition. But your excellency, with your acknowledged judgment, will determine in the matter as you may deem proper.

Town of El Paso, April 17, 1843.

MAURICIO UGARTE, [a rubric.]  
J. DOLORES MADRID, [a rubric,]  
*Secretary.*

#### OFFICE OF SECRETARY OF STATE OF CHIHUAHUA.

The most excellent governor desiring that without loss of time be carried into effect the settlement of the Bend of Doña Ana, in view of the expediente in the matter which you furnish me with your note of to-day, his excellency has directed that the regulation on this subject, issued on July 31, 1840, be observed, and which appears in the expediente referred to, which I return to your honor, for the same embraces all that is necessary to enable your prefecture to act in this matter with due correctness; and his excellency therefore desires that your honor at once give the proper orders to the end that the settlement of Doña Ana receive the necessary impulse. In regard to the petition which some of the colonists at the said point have recently addressed to his excellency, and which has been added to the expediente, the most excellent governor directs that your honor be informed, as I do inform you, that the general headquarters are now giving the proper orders for the purpose of furnishing some detachment, arms, and ammunition as they ask; that the settlers of Doña Ana remain exempted from military service, for this will be rendered by them only in their town in such manner as may be necessary; that they cannot be exempted from the payment of taxes, for these are imposed by the supreme government, whose dispositions the most excellent governor cannot alter, nor can he accede to the request for citizens of other towns which they may make for the construction of the acquia, for those works belong exclusively to the settlers, who only partake of the benefits of the law; that pressing affairs requiring the attention of his excellency in Chihuahua, he cannot, though he desires, go personally to the land to be settled, as he will do upon another occasion when he visits this frontier; and, finally, that there is conceded to those that sign the before-mentioned petition, with such others as may be in the same situation to cultivate the lands they ask for this year, until there is distributed to them their land, according to the regulation cited, and the laws on the subject. His excellency hopes that your honor, with your characteristic energy, will act in this matter until you overcome the obstacles presenting themselves, so that the set-

tlement at Doña Ana have effect, to which end the most excellent governor also desires that your honor have published this order and cause the same to reach the knowledge of the parties interested, your honor reporting to this government all the results in the premises.

God and liberty, Town of El Paso, April 19, 1843.

JUAN N. BARCENAS, [a rubric,]  
*Secretary.*

His honor the Prefect of this town.

#### OFFICE OF SECRETARY OF STATE OF CHIHUAHUA.

SECTION 1. The most excellent governor, desiring to know what may be the present condition of the settlement of the Bend called Doña Ana, which matter this government recommended to your honor, in an order which I communicated to you, under date 19th of April last, he directs me to request of your honor a report upon this subject; and in compliance with his order I inform your honor thereof for the proper purposes.

God and liberty, Chihuahua, August 14, 1843.

JUAN N. BARCENAS.

To his honor the Prefect of the District of El Paso.

MOST EXCELLENT SIR: The Bend of Doña Ana is as yet settled by fourteen residents, who are the first settlers. These, overcoming dangers and anxieties, have realized a fair crop of corn of somewhat more or less than a hundred carretas, which make twelve hundred fanegas, and other products, such as beans, cotton, and other garden-stuff, &c. The constancy of these individuals in not abandoning the enterprise, seeing themselves quite frequently in danger of losing their lives by the repeated threatnings of the Apaches, as your excellency will perceive from the accompanying order, issued by Citizen Lorenzo Provencio, entitles them to the paternal consideration of your superior government; they, therefore, requesting of the commanding general a detachment of troops larger than the present one; for by its protection those inhabitants will continue and carry forward their labors with greater tranquillity, and the increase of the settlers, who are restrained from doing so by a justified fear of suffering an aggression of the Apaches or Comanches, which they themselves could not resist, would be progressive. If your excellency, in whose superior hands it is to have the condescension to order the increase of the said detachment, and to provide arms and ammunition to the new settlers, this prefecture, without being mistaken, can assure you that according to the inclination it observes in many persons to be residents of Doña Ana, upon the return of a couple of years it will be a settlement which will cause itself to be respected by the tribes which to-day it dreads.

This is what I can report to your excellency in the matter, for your superior information and ulterior action.

A copy of the foregoing superior order, and of this report, will be made to remain in this archive, forwarding the original to the secretary who issued it in order that he may be pleased to place it in the superior knowledge of the most excellent governor.

Town of El Paso, 30th of October, 1843.

JOAQUIN VELARDE.  
JOSÉ DOLORES MADRID,  
*Secretary.*

A copy. El Paso, October 30, 1843.

JOSÉ DOLORES MADRID, [a rubric,]  
*Secretary.*

A seal, seal 4th, two reals, years of eighteen hundred and forty-four and eighteen hundred and forty-five.

*His honor the Prefect of El Paso :*

The undersigned, as new settlers of this colony, by a grant which the supreme government made to us therefor, appear before your honor with due submission and respect, representing that finding ourselves upon the ground with everything necessary to commence to work, we ask of your authority, with the greatest earnestness, that you be pleased to have the goodness to come to distribute to us the lands which correspond to each in view of the damages that result to us from letting pass the proper time for the sowing of wheat; for although we have not completed the acequia to the point where it should be, we judge that within five or six days we ought to accomplish it according to the number of workmen we have on the work. Therefore we humbly ask and pray your honor to be pleased to defer to our prayer, being convinced that the necessity of having at the same time at this settlement the oxen necessary, and peons sufficient to work with, compels us to disturb the occupied attention of your honor with the justice that we ask. We declare this is not in dissimulation, and as necessary, &c.

Santa Maria de Doña Ana, January 9, 1844.

José Ma. Castales.

Juan Maese.

Victor Minjares.

José Antonio Provencio.

Luciano Red.

Gregorio Montoya.

Manuel Provencio.

Esmerijildo Montoya.

Reyes Perea.

Manuel Padilla.

Cristobal Provencio.

José Apodaca.

Vicente Garcia.

Fernando Provencio.

Felipe Madrid.

Lorenzo Baliseno.

Monico Benavides.

José Maria Bernal.

José Luis Madrid.

Elenterio Perea.

Dionicio Alvarado.

Antonio Gallegos.

Dionicio Alvarado, for my son  
Canuto.

Cornelio Dias, in the absence of  
Jesus Olivas.

Ramon Dias de la Serna, in the  
absence of Casildo del Prado.

Cruz Mauriquez.

Cornelio Dias.

Timoteo Montaya.

José Ma. Perea.

Merced Red.

José Ma. Flores.

Jesus Provencio.

Gabriel Avalos.

José Ma. Barrera.

Blas Provencio.

Gregorio Davalos.

Matilde Brusuelas.

José Biales.

Geronino Lujan.

Juan Lucero.

Julio Madrid.

Gregorio Brusuelas.

Ramon dios de la Serna.

José Perez.

José Ma. Rodriquez.

Jesus Giles.

Ysidoro Lujan.

Agapito Vargas.

Francisco Rodriguez.

Polinario Perea.

José Antonio Perea.

Anastacio Minjares.

Teodoro Zamora.

Juan José Benavides.

TOWN OF EL PASO, *January 10, 1844.*

This petition will be attached to the expediente relative to the colonization of Da. Ana, and notices will be posted for the information of the public and of those interested, announcing that upon the 15th or 16th

instant I shall commence my march to execute the distribution of lands conformably to what is ordered by the superior government of the department.

REY, [a rubric.]  
J. DOLORES MADRID, [a rubric,]  
*Secretary.*

TOWN OF EL PASO, *January 16, 1844.*

There being already at the Bend of Doña Ana some citizens of those who have applied to settle the same, and they requesting that the adjudgment conceded them of the lands be executed as soon as possible, what is provided for by the superior government of the department in the foregoing regulation annexed to the expediente on the subject will be executed in all its parts by me, Antonio Rey, prefect of the district of El Paso.

REY, [a rubric.]  
J. DOLORES MADRID, [a rubric,]  
*Secretary.*

BEND OF DOÑA ANA, *January 19, 1844.*

Under the order of the superior government to make the distribution of lands which has been conceded to the new settlers at this place, the parties interested will be cited to appear as adjoining settlers on this day, when the measurements should be commenced.

REY, [a rubric.]  
J. DOLORES MADRID, [a rubric,]  
*Secretary.*

*Plan showing the extent of the area embracing the lots of land which have been distributed to the new settlers of the Bend of Doña Ana.*

East, 14.192.

North, 3.493.	69		68	67		66		65	64	63	62	61	60						
	N	a	t	i	o	n	a	l		R	o	a	d						
	1	2																	
		3	5	7	9	12	15	18	21	25	29	33	37	41	45	49	53	57	
		4	6	8	10	13	16	19	22	26	30	34	38	42	46	50	54	58	
																		59	
						11	14	17	20	23	27	31	35	39	43	47	51	55	
									24	28	32	36	40	44	48	52	56		

South, 3.493.

West, 14.192.

A seal, seal 5, half a real, years one thousand eight hundred and forty-four, and one thousand eight hundred and forty-five.

*List of the lots of land distributed to the settlers of the Bend of Doña Ana by the prefect Antonio Rey, with the number of lots that each one has.*

No.	Name.	No.	No.	Name.	No.
1	José Ma. Castales .....	9	35	Apolinario Perea.....	20
2	Pablo Melendres .....	12	36	Agaton Selso .....	17
3	Geronimo Lujan .....	15	37	Juan Lucero .....	30
4	Anto. Gallegos .....	18	38	Jesus Provencio .....	8
5	Jose Ma. Rodriguez .....	10	39	José Apodaca .....	26
6	Eleuterio Perea .....	13	40	José Luis Madrid .....	3
7	Julio Madrid .....	16	41	Guadalupe Miranda .....	33
8	Gregorio Davalos .....	19	42	Dolores Madrid .....	41
9	Ramon Serna .....	2	43	Esmerejildo Montaya .....	61
10	Jesus Olivares .....	1	44	Jose Ma. Barrio .....	62
11	José Ma. Bernal .....	69	45	Estanislao Bernal .....	60
12	Cruz Perea .....	68	46	Dolores Perez .....	40
13	Ynes Garcia .....	64	47	José Perez .....	40
14	Casildo Prado .....	65	48	Fernando Provencio .....	28
15	Bernabé Montaya .....	21	49	José Reyes Perea .....	63
16	Jesus Cordoba .....	22	50	Vicente Garcia .....	36
17	Lorenzo Balisano .....	25	51	Juan Ma. Flores .....	24
18	Juan Maese .....	34	52	Rafael Provencio .....	56
19	Juan Jose Benavides .....	5	53	Longino Avalos .....	59
20	Monico Benavides .....	58	54	Florencio Benavides .....	37
21	Anto. J. Apodaca .....	45	55	Manuel Provencio .....	49
22	Ysidro Armijo .....	23	56	Blas Provencio .....	38
23	Cornelio Dias .....	7	57	José Antonio Provencio .....	52
24	Victor Minjares .....	27	58	Gabriel Avalos .....	35
25	Gregorio Montaya .....	46	59	Guillermo Varela .....	53
26	Cosme Zamora .....	43	60	José Racl .....	42
27	Teodocio Zamora .....	54	61	Ramon Cordóla .....	51
28	Gregorio Brusuelas .....	55	62	Casimiro Aguirre .....	6
29	Agapito Vargas .....	11	63	Victoriano Sanches .....	47
30	Manuel Padilla .....	50	64	Onofre Varela .....	57
31	Luciano Racl .....	39	65	Felipe Madrid .....	32
32	Francisco Lucero .....	31	66	Marcos Benavides .....	67
33	Cristobal Provencio .....	14	67	Apolonio Varela .....	66
34	Timoteo Montaya .....	29	68	Jesus Guiles .....	44

Doña Ana, January 24, 1844.

ANTONIO REY, [a rubric.]  
J. DOLORES MADRID, [a rubric.]  
Secretary.

*Appointment of justice of the peace.*

Exercising the power which the law of 20th of March, 1837, and the superior government in the regulation by it approved July 31, 1840, for colonizing this point, confers upon me, I have appointed you justice of the peace of this new settlement, to the end that you immediately take possession of that office. You will present yourself at once to take the proper oath.

God and liberty, Doña Ana, January 25, 1844.

ANTONIO REY.

MESSRS. PABLO MELENDRES and JOSE MA. COSTALES,  
Justices of the Peace.

A copy. El Paso, January 25, 1844.

JOSE DOLORES MADRID, [a rubric.]  
Secretary.

*To the justices of the peace and people of this place :*

Charged by the most excellent governor of the department with the establishment and regulation of this new settlement, I do make known to you that having determined that the distribution of lands be made to the new settlers of this extensive bend—a place very fertile, and from its size advantageous for agriculture—I have laid off therein 69 lots of land, 47 of 780½ varas long and the same in width, for those who are the heads of families: and for those who are not, 22 of the same length and

390½ varas in width, marking with stakes where the owners should put the corresponding landmarks which the laws prescribe for the same, will be this day distributed in conformity with what I am directed to do, adverting that the former commence on the north side from a short distance this side of a branchy cottonwood distant 790 varas from where the houses now are in the space between them and the mouth of the acequia; and on the south they extend from the further side of Las Cruces, about thirty varas this side of the little cottonwood. It is impossible that these measures be perfectly exact, as well owing to the mountains and elevations of so great extent as to the want of instruments; but I believe sufficiently so as that the number of varas corresponding to each one and the point whence the measures commence may be known. At the mouth of the acequia, although up to this time danger does not threaten, a sufficient palisade is necessary for the greater protection which can be made opportunely, and from there the acequia should be opened with the width of three square varas, so that sufficient water may enter to irrigate the fields upon the right, and those upon the left, without prejudice to that which should go to the town, for which purpose the overseer for the main acequia will be in the intermediate space from the barracks to the mouth of the acequia at the point most suitable that he may direct the water advantageously. To form the settlement I have selected an elevation which, although it does not quite meet my wish, from its circumstances seems at present to be the place most suitable. It possesses a fair view, overlooks a large portion of the fields, and I promise myself that its inhabitants will always enjoy the best health. Every enterprise at the beginning, however small, presents great difficulties, but energetic and industrious men overcome them all with time and perseverance, when they are persuaded that in the end they will see realized the fruits of their efforts entering into the enjoyment of those comforts which render life happy, and which those who having no goods or property see themselves enslaved in order to earn the sustenance necessary to live, cannot enjoy. The lands distributed are fertile in their nature, and susceptible of great advantages in agriculture. The supreme government has granted them with a liberality which you yourselves have admitted, alleging that owing to poverty it will be impossible to cultivate them, and it is for you to re-animate yourselves and avail yourselves of them, scorning that hydra from which the same sacrifices have been made in all those colonies which are cities to-day.

New settlement of Doña Ana, January 25, 1844.

ANTONIO REY.

J. DOLORES MADRID,

*Secretary.*

I, Citizen Antonio Rey, prefect of the district of El Paso, in the Bend of Doña Ana, on the 25th of January, 1844, having received the replies of the principal and alternate justices of the peace annexed to these proceedings, the designation of jurisdiction may be proceeded with by me, wherefore exercising the authority which the most excellent governor has conferred upon me, I designate as jurisdiction to this new settlement of Doña Ana, 2,500 varas toward the north, and the same toward the south; 1,250 toward the east, and an equal number toward the west, counting from the center of the main plaza assigned to said settlement; and in testimony whereof I sign with my secretary.

ANTONIO REY,

J. DOLORES MADRID,

[a rubric.]

[a rubric.]

*Secretary.*



In the Bend of Doña Ana, upon the 25th of January, 1844, I, Antonio Rey, prefect of the district of El Paso, agreeably to what is provided in article 3 of the regulation issued for the government of this new settlement, do designate for its commons an area of 2,500 varas in length and 1,250 varas in width, measured from the center of the plaza to the principal one; and in testimony whereof I sign with my secretary.

ANTONIO REY, [a rubric.]

J. DOLORES MADRID, [a rubric.]

*Secretary.*

At Doña Ana, January 25, 1844, I, Antonio Rey, prefect of the district of El Paso, in pursuance of the commission I have from the most excellent governor of the department, will proceed to the distribution of lands and lots of the settlers who apply to locate and settle at this new settlement by issuing to them the proper titles; thus I provided, ordered, and signed with my secretary.

ANTONIO REY, [a rubric.]

J. DOLORES MADRID, [a rubric.]

*Secretary.*

At the place Doña Ana, January 25, 1844, I, Antonio Rey, prefect of the district of El Paso, commissioned by the most excellent governor of the department for the formation of this new town, and distribution of lands and lots to all those who may settle thereon, having to designate a site upon which to build a church, house where the parish priest may reside, and the public buildings, do designate, in accordance with article 5 of the regulation of July 31, 1840, a square of 100 varas in length and 50 in width, upon which said edifices may be erected, which square is situated in the plaza on the side looking to the south, its boundaries being toward the cardinal points, the public streets of this town. In testimony whereof I sign with my secretary.

ANTONIO REY, [a rubric.]

J. DOLORES MADRID, [a rubric.]

*Secretary.*

#### JUSTICE'S OFFICE OF DOÑA ANA.

By the note of your honor dated yesterday, I am informed of the appointment of justice of the peace that you have made in my person for this place; and respecting the precept of the law, notwithstanding my notorious inadequacy, I will endeavor to justify the compliment. This occasion affords me the opportunity to assure your honor of the considerations of my esteem.

God and liberty, Doña Ana, January 26, 1844.

PABLO MELENDRES, [a rubric.]

His honor the prefect of the district of the town of El Paso.

#### OFFICE OF ALTERNATE JUSTICE OF DOÑA ANA.

By the note of your honor dated yesterday, I am informed of the appointment that you have made in my person; and respecting the precept of the law, notwithstanding my inadequacy, I shall endeavor to justify your compliment. This occasion affords me the pleasure of protesting to your honor assurances of my esteem.

God and liberty, Doña Ana, January 26, 1844.

JOSÉ MA. COSTALES.

His honor the prefect of the district at the town of El Paso.

At Doña Ana, 26th January, 1844, I, Antonio Rey, prefect of the district of El Paso, having discharged the commission conferred upon me by the superior government of the department for the erection of the

new settlement of Doña Ana, formation of the municipal government, designation of its extent or jurisdiction, and distribution of its lands and lots among the settlers that might desire them and to settle and live upon them, directed that the same be appended to the record of inhabitants which has been formed, and that a duplicate being made of all the proceedings I have executed in said establishment the same be officially transmitted to the proper justice, to the end that he filing the same, the designation of sites, jurisdiction, lands, and lots which I have made may appear in all time. This expediente being transmitted original to the most excellent governor for his superior information. Thus I provided, ordered, and signed with my secretary.

ANTONIO REY.

J. DOLORES MADRID, [A rubric,]  
Secretary.

DEPARTMENT OF CHIHUAHUA,  
*New Settlement of Doña Ana.*

Record of the present residents and inhabitants in this new settlement:

Number, condition, ages: 1. José Maria Costales, alternate justice, married, 48 years. His wife: Nicolesca Ledesura, ditto; children, Ma. Ysabel Costales, single, 19; Yrineo, ditto, ditto, 15; Langino, ditto, ditto, 12; Ma. del Carmen, ditto, ditto, 9. 2. Pablo Melendres, principal justice, married, 47. His wife: Guadalupe Horcasitas, ditto, 30. His children: Trinidad Melendres, single, 11; Jesus Melendres, ditto, 9; Pablo, ditto, ditto, 8; Josefa, ditto, ditto, 6; Antonio, ditto, ditto, 4; Liberato, ditto, ditto, 2. 3. Geronimo Lujan, married, 45. His wife: Guadalupe Valencia, ditto, 40. His children: José Ma. Lujan, single, 21; Ysidoro, ditto, ditto, 18; Rinaldo, ditto, ditto, 15; Juliana, ditto, ditto, 17; Ma. de Jesus, ditto, ditto, 5; Julianita, ditto, ditto, 9; Quirina, ditto, ditto, 14; Servulo, ditto, ditto, 2. 4. Leuterio Perea, married, 52. His wife: Ramona Avalos, ditto, 40. His children: José Antonio Perea, single, 19; José Ma., ditto, ditto, 17. 5. Antonio Gallegos, married, 40. His wife: Leogarda Colmenero, ditto, 30. His children: Jesus Ma. Gallegos, single, 16; José Ygnacio, ditto, ditto, 14; Marcelino Gallegos, single, 9; José de la Luz, ditto, 7; José Luis, ditto, 5; José Pablo, ditto, ditto, 4; Ma. del Refugio, ditto, ditto, 12; Ma. Luisa, ditto, ditto, 10; Rosa Maria, ditto, ditto, 2. 6. Bernabé Montoya, widower, 60. His children: Bautista Montoya, single, 30; Miguel, ditto, ditto, 27; Guillerme, ditto, ditto, 24. 7. José Ma. Rodriguez, married, 35. His wife: Ma. Josefa Perea, ditto, 20. His children: Francisco Rodriguez, single, 18; José Angel, ditto, ditto, 10; Refugio, ditto, ditto, 8; Cipriano, ditto, ditto, 5. 8. José Ynes Corona, widower, 40. 9. Jesus Olivares, widower, 35. 10. Ramon Serna, single, 35. 11. Casildo Prado, ditto, 20. 12. Cruz Manriquez, single, 16. 13. Julio Madrid, married, 56. His wife: Magdalena Alvarillar, married, 25. His children: Andres Madrid, single, 17; Manuel Madrid, ditto, 9; Nicolas, ditto, ditto, 12; Felix, ditto, ditto, 6; José, ditto, ditto, 5; Florencio, ditto, ditto, 2. 14. José Ma. Bernal, married, 31. His wife: Barbara Aguirre, ditto, 25. 15. Gregorio Davalos, married, 45. His wife: Guadalupe Trujillo, ditto, 39. His children: Luciano Davalos, single, 19; Josefa, ditto, ditto, 7; Rafaela Trujillo, widow, 48; Ma. Josefa Valencia, single, 6. 16. Juan José Benavides, widower, 46; Mariano, ditto, single, 14; Ysabel, ditto, ditto, 10; Mauricio, ditto, ditto, 6; Lazaro, ditto, ditto, 5. 17. Manuel Provencio, married, 28. His wife: Ma. Josefa Aguiar, ditto, 22. His child: Feliciano Renteria, single, 14. 18. Blas Provencio, married, 30. His wife: Ma. Manuela Martinez, ditto, 28. Their children: Juan Pro-

vencio, single, 5; Catarino, ditto, ditto, 1; Marcela, ditto, ditto, 30; Polonio Varela, ditto, 19; Marcos, ditto, ditto, 15; Jesus, ditto, ditto, 11; Luis, ditto, ditto, 9. 19. José Antonio Provencio, single, 30; Jesus, ditto, ditto, 15; Felipe, ditto, ditto, 10. 20. Cristobal Provencio, married, 36. His wife: Nicolasa Benavidez, ditto, 28. His children: Juan Pablo Provencio, single, 8; Severiano Garcia, ditto, 9; Josefa Garcia, ditto, 4; Josefa, ditto, ditto, 3. 21. Gabriel Avalos, married, 27. His wife: Jacinta Blanco, ditto, 20. 22. Juan Lucero, widower, 57. His son: Jesus, ditto, single, 16. 23. Gregorio Montoya, married, 30. His wife: Josefa Vargas, ditto, 25. His daughters: Margarita Montoya, single, 8; Refugia, ditto, ditto, 2; Esmereildo, ditto, ditto, 25. 24. Luciano Rael, married, 25. His wife: Damiana Alvililar, ditto, 20. His daughter: Ma. Encarnacion Raél, single, 1. 25. Mannel Padilla, married, 30. His wife: Micaela Yrigoyen, ditto, 26. His children: Josefa Padilla, single, 10; Agustin, ditto, ditto, 6; Santos, ditto, ditto, 4. 26. Monico Benavides, married, 22. His wife: Quirina Monriquez, ditto, 16. His children: Agustina Benavides, single, 3; Lugino Avalos, ditto, 16. 27. José Apodaca, married, 30. His wife: Josefa Zamora, ditto, 25. His children: Canuto Apodaca, single, 4; José Apodaca, ditto, 3; Canuto, ditto, ditto, 2; Felix, ditto, ditto, 1. 28. Apolonio Perea, married, 25. His wife: Florencia Montoya, ditto, 16. 29. José Provencio, married, 32. His wife: Francisca Martinez, ditto, 19. His child: Teodocio Provencio, single, 6. 30. Francisco Lucero, married, 36. His wife: Simona Hidalgo, ditto, 29. His daughter: Clara Lucero, single, 13. 31. José Ma. Barrio, single, 19. 32. Gregario Brueselas, married, 52. His wife: Alvina Carbajal, ditto, 35. His son: Matilde Bruesulas, single, 23; Crisanto Carbajal, ditto, 10. 33. Estanislao Bernal, single, 18. 34. Vicente Garcia, single, 25. His son: Jesus Garcia, ditto, 5. 35. Agaton Silva, married, 26. His wife: Felipa Madrid, ditto, 23. His daughter: Gregoria Silva, single, 3. 36. Teodoro Samora, married, 33. His wife: Juana Alvililar, ditto, 24; Juan Lucero, single, 16. 37. José Ma. Flores, single, 24. 38. Jesus Guilei, single, 24; Jesus Perea, ditto, 7. 39. Fernando Provencio, single, 20; Navora Velarde, widow, 30. 40. José Ma. Varela, single, 23. 41. Guillermo, ditto, married, 50. His wife: Tomasa Herrera, ditto, 30. His children: Lorenzo Varela, single, 20; Silvano, ditto, ditto, 16; Carmen, ditto, 12; Rosa, ditto, ditto, 8. 42. Timoteo Montoya, married, 43. His wife: Juliana Zuaso, ditto, 38. His daughter: Eulogia Montoya, single, 12. 43. José Rael, married, 26. His wife: Manuela Hidalgo, ditto, 20. His children: José Ponciano Rael, single, 2; Francisco Rael, ditto, 1. 44. José Luis Madrid, married, 45. His wife: Ma. Candelaria Sanchez, ditto, 35. His children: Ma. de los Angeles Madrid, single, 15; José Ysidoro, ditto, ditto, 13; Maria Nicolasa, ditto, ditto, 10; Maria Petra, ditto, ditto, 7; Ma. Francisca, ditto, ditto, 4. 45. José Dolores Madrid, married, 46. His wife: Rafaela Moreno, ditto, 30. His children: Bartolo Madrid, single, 22; Dolores, ditto, ditto, 18; Agapito, ditto, ditto, 15. 46. José Reyes Perea, single, 35. 47. Guadalupe Miranda, married, 33. His wife: Francisca Rascon, ditto, 32. His children: Pablo Miranda, single, 12; Carmen, ditto, ditto, 10; Octaviano, ditto, ditto, 9; Ynes, ditto, ditto, 7; Refugio, ditto, ditto, 5; Petra, ditto, ditto, 3; Elena, ditto, ditto, 1; Vicenta Ortega, widow, 30. 48. José Perea, single, 15. 49. Desidero Armijo, married, 26. His wife: Catarina Montoya, ditto, 19. 50. Victor Minjares, married, 30. His wife: Josefa Herrera, ditto, 22. His children: José Minjares, single, 8; Polonia, ditto, ditto, 6; Nestora, ditto, ditto, 3. 51. Jesus Cordoba, married, 35. His wife: Josefa Escontrías, ditto, 33. His children: Antonio Cordoba, single, 13; Dolores, ditto, ditto, 12; Jesus, ditto, 10; Felix, ditto, ditto, 9; Cres-

cencio, ditto, ditto, 7; Braulio, ditto, ditto, 1; Nepomuceno, ditto, ditto, 3. 52. Antonio José Apodaca, married, 25. His wife: Ramora Armandariz, ditto, 21. His children: Jesus Apodaca, single, 3; Cristobal, ditto, ditto, 1. 53. Jesus Provencio, married, 25. His wife: Refugio Morales, ditto, 23. His children: Ventura Provencio, single, 3; Gumeindo, ditto, ditto, 1. 54. Ramon Cordoba, married, 25. His wife: Altagracia Garcia, ditto, 24. His children: José Cordoba, single, 4; Juana, ditto, ditto, 3. 55. Casimiro Aguirro, married, 38. His wife: Petra Gonzales, ditto, 26. His children: Maria Lucia Aguirro, single, 12; Josefa, ditto, ditto, 10; Jesus, ditto, ditto, 8; Pedro, ditto, ditto, 6. 56. Juan Maese, married, 45. His wife: Trinidad Cordoba, ditto, 23. His children: Lorenza Maese, single, 21; Francisco, ditto, ditto, 15; Josefa, ditto, ditto, 11. 57. Cornelio Dias, married, 36. His wife: Rosa Contreras, ditto, 33. His children: Miguel Dias, single, 14; Lorenza, ditto, ditto, 12; Gregorio, ditto, ditto, 10; Guadalupe, ditto, 8; Francisca, ditto, ditto, 6; Evangelista, ditto, 4; Silvestre, ditto, ditto, 2. 58. Dolores Perea, single, 18; Guadalupe Perea, ditto, 38. 59. Victoriano Sanchez, married, 26. His wife: Ma. Petra Apodaca, ditto, 24. His child: Pablo Sanches, single, 4. 60. Anofre Varela, married, 21. His wife: Quirina Apodaca, ditto, 18. His son: Aristeo Varela, single, 20. 61. Felipe Madrid, single, 21. 62. Rafael Provencio, single, 20. 63. Lorenzo Balizan, married, 50. His wife: Josefa Vianes, ditto, 43. His children: Dolares Balizan, single, 19; José Ma., ditto, ditto, 17; José Dario, ditto, ditto, 15. 64. Marcos Benavides, single, 18. 65. Cosmé Zamora, married, 60. His wife: Marcelina del Villar, ditto, 30. His children: Ventura Zamora, single, 25; Ma. Eusebia Salazar, ditto, 15. 66. Agapito Vargas, married, 28. His wife: Faustina Lopez, ditto, 20. His children: Teodosio Vargas, single, 2; Ma. Guarda, ditto, ditto, 1. 67. Apolonio Varela, single, 18.

Bend of Doña Ana, January 25, 1844.

ANTONIO REY.

J. DOLORES MADRID, [a rubric.]

*Secretary.*

DEPARTMENT OF CHIHUAHUA,

*Jurisdiction of the town of Doña Ana.*

*Statement showing the number of inhabitants in this new settlement of Doña Ana, with distribution of classes and conditions of both sexes, including children.*

	Men.	Women.	Boys.	Girls.
General summary of residents.....	107	59	48	47
General summary of Indians.....	0	0	0	0
Totals.....	107	59	48	47
General summary of married.....	44	44	.....	.....
General summary of widows.....	5	.....	.....	.....
General summary of single.....	58	15	.....	.....
Totals.....	107	59	48	47

New settlement of Doña Ana, date as above.

ANTONIO REY,

J. DOLORES MADRID, [a rubric.]

## PREFECTURE OF THE DISTRICT OF EL PASO DEL NORTE.

By reason of the petition which appears from page 24 to 25 of this expediente, signed by fifty-five citizens, and of the respected orders of the superior government for the purpose of endeavoring to render the settlement of Doña Ana effective as soon as possible, I found I was obliged to be at that place to make the adjudgment of lands, for which purpose I was appointed prefect of the district. Upon my arrival I caused the settlers to assemble; I informed them of the regulations upon the subject, approved by the most excellent governor, and of the other orders for colonization. The census of the inhabitants was taken; and taking this for a basis, I proceeded to the measurement, distribution of lands and other acts which appear in the corresponding expediente which I forward to you original. There is also conceded to the new settlers the necessary water for their fields; and complying with the 20th article of the said regulations I should state that, in my humble opinion, its distribution may be made by hours, designating 36 to the larger lots and 32 to the smaller, beginning the irrigation at lots No. 1 and 69; being able afterward to make such alterations as experience may prove to be proper and just. I also deem proper to enlarge this report to state the circumstances that occurred worthy of the knowledge and attention of the superior government, and in consequence proceed to show them. Upon my appearing at Doña Ana, I was spoken to in the name of some citizens of means in this town that they might be furnished lands, they obliging themselves only to place peons to cultivate them: but I, as I did not believe myself authorized to do so, and as I have learned that the intention of many is solely to take advantage of the abundant fruits of those fertile lands, decided that that question pertained to the government, and that I ought to limit myself to reporting, as I do, for its superior determination. Upon leaving for this town I directed the justice to order that all the parties interested to whom lands had been distributed, present in due time to this prefecture the proper papers which should be filed for issuing to them their titles, but up to this time there are but six papers; and this is the reason why I do not yet forward them for the approbation of his excellency. Finally, I have plainly observed since going to Doña Ana that the generality of the petitioners were discouraged, and that they did not justify hopes of earnestness in their applications, either on account of their poverty, or because they are not animated to carry out their undertakings. I now see my ideas already corroborated by the notice which the justice of the peace of that place has forwarded me, in which appear 31 citizens who have renounced their right, together with the corresponding families, amounting to 111 persons of all sexes and ages. That place is thereby again reduced to a very small number of inhabitants. I believe that it will not be established before they commence to receive injuries from the Apaches, and in the end will be abandoned, and perhaps we shall have to lament some calamities; all of which I state to you to the end that the most excellent governor, to whom you will please report, may be pleased to determine as may be his pleasure concerning the points embraced in this report.

God and liberty, Town of El Paso, March 17, 1844.

ANTONIO REY, [a rubric.]  
JOSE DOLORES MADRID, [a rubric,]

*Secretary.*

To the secretary of state of the department.

A copy faithfully and legally made by direction of the citizen-governor of the State from the documents contained in the two original pamphlets on file among the archives of the secretary's office in my charge relative to the granting of lands made in favor of sundry citizens of the town of El Paso for settling the place called Doña Ana, ten leagues from said town, which documents commenced in the year 1840, and terminated in the year 1844.

Chihuahua, March twenty-eighth, eighteen hundred and seventy-one.

[SEAL.]

JUAN B. ESCUDERO,

*Secretary.*

TERRITORY OF NEW MEXICO,  
*County of Doña Ana.*

The foregoing is a correct translation of the original documents, filed herewith in the Spanish language, to the best of my knowledge and belief.

JNO. D. BAIL.

Sworn to and subscribed before me this 17th day of January, 1874.  
Witness my hand and the seal of court, the day and year last aforesaid.

[SEAL.]

DANIEL FRIETZE,

*Probate Clerk of the Court of Doña Ana, New Mexico.*

SURVEYOR-GENERAL'S OFFICE,  
TRANSLATOR'S DEPARTMENT,  
*Santa Fé, New Mexico, January 31, 1874.*

The foregoing translation of one hundred and five pages, having been by me carefully compared with the document in Spanish, whence it was made and found correct, is hereby adopted as the official translation.

DAV. J. MILLER,

*Translator.*

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[*Testimony in the case.*]

IRINEO CASTALES, being first duly sworn, testifies as follows: I live in Doña Ana, County of Doña Ana, and Territory of New Mexico; I am forty-five years of age; I know where the Doña Ana grant, which was made by the Mexican government to Doña Ana Colony, is situated. It is in the present limits of the county of Doña Ana, Territory of New Mexico, and in territory which was acquired by the treaty of Guadalupe Hidalgo, from the government of Mexico. It includes within its limits the towns of Doña Ana, Las Cruces, and Tortugas. The lands granted consist of the lands of the Doña Ana Bend, (El Ancon de Doña Ana.) Said Bend extends from the head of the Doña Ana Acequia, above said town, down Rio Grande River on its eastern bank, to place on said river known as the Brazitos, where was the head of a ditch belonging to Juan Antonio Garcia, and where his grant commenced and extended south. Since the Doña Ana grant was made, the Rio Grande River in some places has changed. Where it has changed, I refer to the old river-bed, (now known as such,) as the line of said grant of Doña Ana on the west. The said Rio Grande River was the western boundary at the time the said grant was made. The said grant of Doña Ana also included the foot-hills, on the east of the valley lands, described for pasturing purposes. My father José Ma. Castales was one of the principal colonists of said Doña Ana colony. I know the boundaries of said

grant, because I have been with parties when the boundaries were established, and the said boundaries have been recognized by every one, as such, ever since. My father took an active part in the colony, and I have my knowledge of the facts I have stated by being with him when he was engaged in measuring lands on the grant, and acting for the interests of the colony. I have no interest now whatever in the said colony of Doña Ana, or the said grant of lands.

I went upon said grant with my father, and have been there ever since. The grantees, over one hundred, entered into possession of said grant of lands and have continued until now in possession of same. They and their heirs have always been considered and recognized as the legal holders and owners of the lands before described by every one as well as the authorities of the Mexican government. There are over three thousand, perhaps four thousand, inhabitants now living on and holding under said grant. The lands of said grant are non-mineral; consist of agricultural and pastoral lands solely.

YRINEO CASTALES.

Sworn to and subscribed before me this 29th day of December, 1873. Witness my hand and the seal of court, the day and year last named.

[SEAL.]

DANIEL FRIETZE,

*Probate Clerk of Doña Ana County, New Mexico.*

FRANCISCO RODRIGUEZ being first duly sworn, deposes and says: I live in the town of Doña Ana, County of Doña Ana, Territory of New Mexico. My age is forty-nine years. I know the place known as the grant of Doña Ana. It is situate in the present limits of the county of Doña Ana, Territory of New Mexico. It was formerly territory belonging to the republic of Mexico or Mexican government, and was acquired by the United States with territory acquired at the treaty of Guadalupe Hidalgo. I went to said Doña Ana grant with the colony, when quite young, and have been there ever since. The grant aforesaid was made to the land embraced in the Bend of the Rio Grande, known as the Bend of Doña Ana. Said Bend extends from the head of the acequia of Doña Ana at the north of said grant and Bend of Doña Ana, to the Brazito, at the south of said Bend and grant, a distance of about twelve miles north and south, up and down said river. The Brazitos is a point on the Rio Grande del Norte at the northern limit of the grant now known as the Stevenson grant, formerly of Juan Antonio García, and where the head of the acequia or ditch of said García took the water from the said river Rio Grande to water lands of his said grant, that is the said Rio Grande formerly run there, but it is now changed. The Rio Grande River aforesaid, between the head of the Doña Ana acequia, aforesaid, and the Brazitos aforesaid, as it formerly run, that is the channel known as the old river, is the boundary of said grant of Doña Ana on the west. The eastern boundary of said grant is a line commencing one league east of the head of the said acequia of Doña Ana, and thence running to a point one league east of the Brazitos aforesaid, from north to south. This line embraces foot-hills which were granted the said colony for purposes of pasturage.

The colonists originally numbered over one hundred. They entered into possession of said grant of lands, and cultivated said lands, and have held them without interruption (except once and awhile from Indians that were hostile) ever since. The said grantees and their heirs have been always recognized by the authorities of the government of Mexico, and every one, as the legal owners and holders of the said lands. There



are over three thousand five hundred persons now occupying and holding said lands by virtue of the grant of Doña Ana. Said grant was made by the authority of the government of the republic of Mexico.

Said lands of said grant are non-mineral; they are agricultural and pastoral. I have no interest whatever now in said grant.

FRANCO. RODRIGUEZ.

Sworn to and subscribed before me this 29th day of December, 1873. Witness my hand and the seal of court, the day and year last named.

[SEAL.]

DANIEL FRIETZE,

*Probate Clerk of Doña Ana County, New Mexico.*

GUADALUPE MIRANDA, being first duly sworn, testifies as follows: I live in El Paso, Mexico, and I am sixty-three years of age. I know the grant called Doña Ana, or the Bend of Doña Ana. It is known as the colony of the Bend of Doña Ana. It is situated on the east bank of the Rio Bravo del Norte, known as the Rio Grande River, from ten to fifteen leagues north of the town of El Paso, Mexico, and within the present limits of the county of Doña Ana in the Territory of New Mexico. It includes the present towns of Doña Ana, Las Cruces, and Tortugas, and is in that portion of the territory of the United States which was acquired from the Republic of Mexico by the treaty of Guadalupe Hidalgo. The said grant embraces the lands included in and known heretofore as the Bend (Ancon) of Doña Ana. It extends from the mouth of the present acequias of Doña Ana, Las Cruces, and Mesilla, where the water enters said acequias from said Rio Grande to the barancas (high banks) at the head of the acequia of the Brazitos, (a branch of the river.) The place Brazitos is now known as the Stevenson grant, which is the southern limit of the bend of Doña Ana grant. The head of the acequias of Doña Ana, Las Cruces, and Mesilla, is the northern limit of said grant. At this last-named point the Rio Grande makes a bend leaving the foot-hills on the eastern bank of said river, and bearing southwestwardly and nearing the foot-hills on the western bank of said river, and continues near the western foot-hills of said western bank until said river passes the present town of Pichaco, and thence said river bears toward the east and southeast until it reaches the "barancas del Brazitos" before mentioned, which place was formerly the head of the acequia of Don Juan Antonio Garcia, whose grant, now known as the Stephenson grant, commenced at this point, and thence extended south. All the land lying between the said river Rio Grande del Norte and the foot-hills on the east bank of said river, between the head of said acequias of Doña Ana, Las Cruces, and Mesilla, and the barancas del Brazito, are included in the grant of lands from the government of Mexico to the colony of Doña Ana. The eastern limits of said grant of Doña Ana are one league to the east of a line drawn along the foot-hills bordering on the east of said Bend of Doña Ana, running from north in a southerly direction, from a point opposite and east of the said northern limit of said grant, to a like point opposite and east of the southern limit as before stated, (one league.) This league of land bordering on the east of said Bend of Doña Ana, (one league deep,) was for use of colony for grazing purposes, and the lands bordering on the said river, bottom lands, were for agricultural purposes.

The first petition by colonists to settle the Bend of Doña Ana, above described, was made to the government of Mexico in the year 1839. The colony was settled under great difficulties, and existed for a time under the most discouraging circumstances—chief difficulty being on account of savages or hostile Indians. At one time it seemed that the colony of

Doña Ana would fail, but owing to the liberal grant of the republic of Mexico to the Bend of Doña Ana, a belt of land along the eastern bank of said river, a distance of about twelve miles, the colonists who had abandoned the place again returned with others, and have continued in possession of said grant ever since.

I know the limits of said grant, because I, in company with the prefect, Antonio Rey, prefect of El Paso, in the State of Chihuahua, and Don Pablo Melendrez, measured off lands to the colonists. The colonists petitioned the government of Mexico for the tract of land known as the Bend of Doña Ana. Their petition was granted said colonists of Doña Ana, and the lands embraced in the limits above described measured off to them, all in accordance with law. I have reference to the course of the river Rio Grande at the time said grant was made. At the mouth of the acequias, at north limits of said grant, the river is the same; but below it has changed, and the old river bed is the boundary of said grant on the west.

In relation to said grant of Doña Ana, in the year 1846 I was prefect of El Paso, and by virtue of authority I had as such officer from the government of Mexico, I wrote the following to the justice of the peace at Doña Ana:

Sr. justice of peace of Doña Ana:

"This prefecture being so much occupied by the incursions of the savages, and the personal services of myself being required in this town as of vital importance, I am not permitted to come to your town in person to the distribution of lands to your citizens, for which reason I send herewith to you the 'expediente' in the matter, in order that you may make the distribution of the lands and titles to them to the residents as well as those who shall come upon said colony within the time prescribed by the regulation, concluding that you will not make any distribution until you obtain permission, if it should be necessary, of the supreme government.

"EL PASO, *January 22, 1846.*"

This letter had reference more particularly to the giving of title to the several colonists upon said grant. My acts, and those of the justice of the peace, were duly approved by the government of Mexico, the grantees of said grant of Doña Ana entered into possession of the lands before described, and they and their heirs have continually been in possession of the same, and have been recognized as the legal owners and holders of the said grant of lands by every one since said grant was made till now. I know much about said grant, because I was an officer of the general government, acting as its agent (the government of Mexico) touching said grant, and it was deemed very important by the said government of Mexico to establish this said colony. I have examined the documents here, (document hereto annexed,) certified as copies of papers pertaining to the said Doña Ana grant, in the archives of secretary's office, State of Chihuahua, by Juan B. Escudero, secretary. Said copies are correct as far as I know. Many of the originals I have seen. The acts of the justices in making measurements in particular to individual colonists on said grant do not appear in them. They ought to be with the archives of the grantees. The two justices who knew much about the matter are dead—Don Pablo Melendrez and José Ma. Castales. The former issued the titles. The land measured off included what I have before stated. There are now upon said grant holding under it over three thousand five hundred inhabitants. The lands em-

braced in the limits of said Doña Ana grant are non-mineral. I have no interest whatever in said grant of Doña Ana.

GUADALUPE MIRANDA.

Sworn to and subscribed before me, this 29th day of December, A. D. 1873. Witness my hand and the seal of court, the day and year last named.

[SEAL.]

DANIEL FRIETZE,

*Probate Clerk of Doña Ana County, New Mexico.*

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[*Surveyor-general's decision.*]

DOÑA ANA BEND GRANT.

OPINION.

This claim for lands by the people of Doña Ana comes before me for examination under the eighth article of the treaty of Guadalupe Hidalgo and the eighth section of the act of Congress of July 22, 1854, establishing this office.

The record shows the establishment of the colony by legal authority of the republic of Mexico in 1839, and that the colonists and their heirs and legal representatives have ever since claimed or occupied the lands, and that they have never been disturbed in possession except by hostile Indians.

I believe the title to the lands is perfect in said claimants, and respectfully recommend that the same be confirmed to them, the said colonists and their legal representatives, according to the boundaries described in the testimony of Guadalupe Miranda.

I transmit triplicate copies of the entire record.

JAMES K. PROUDFIT,

*United States Surveyor-General.*

UNITED STATES SURVEYOR-GENERAL'S OFFICE,

*Santa Fé, New Mexico, March 31, 1874.*

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[*Authentication of transcript.*]

SURVEYOR-GENERAL'S OFFICE,

*Santa Fé, New Mexico, April 4, 1874.*

The foregoing is a correct transcript of the papers on file in this office in private land-claim reported as No. 85, in the name of the colony of Doña Ana Bend.

JAMES K. PROUDFIT,

*United States Surveyor-General.*